

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION IX**



FINAL STATEMENT OF BASIS

**Final Part 71 Federal Operating Permit Renewal
&
Administrative PSD Permit Amendments**

Desert View Power

**Permit No. CB-ROP 05-01
NSR 4-4-11; SE 87-01**

September 2020

This page intentionally left blank.

**Final Part 71 Federal Operating Permit Renewal
&
Administrative PSD Permit Amendments**

Desert View Power

Statement of Basis

(Permit Number: Permit No. CB-OP 05-01; NSR 4-4-11; SE 87-01)

Table of Contents

List of Figures	2
List of Tables	2
Acronyms & Abbreviations	3
1 Applicant and Contact Information	5
2 Facility Location and Air Quality Setting	5
3 EPA Authority	7
4 Permitting History	8
5 Facility Description	10
6 Emissions from the Facility	15
7 PSD Permit Administrative Amendments	17
7.1 Conditions IX.B.1, IX.C.1, IX.C.2	17
7.2 Condition IX.D.4	17
7.3 Condition IX.D.6	17
7.4 Condition IX.F	18
7.5 Condition IX.H	18
7.6 Condition IX.K	19
7.7 Condition XI	19
7.8 Other Administrative Changes	20
8 Federal Applicable Requirements	20
8.1 PSD Permit No. 87-01	20
8.2 40 CFR Part 60, Subpart A, General Provisions	21
8.3 40 C.F.R. Part 60, Subpart Db Standards of Performance for Industrial-Commercial- Institutional Steam Generating Units	21
8.4 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engine	21
8.5 40 CFR Part 63, Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants	22
8.6 Federally Applicable Monitoring Requirements	22
8.7 40 C.F.R. Part 64, Compliance Assurance Monitoring (CAM)	22

9	Part 71 Permit Content and Final Changes	23
9.1	Source Information — Section I.....	24
9.2	Requirements for Specific Pollutants – Section II.....	24
9.3	Facility-Wide or Generic Permit Conditions – Section III.....	33
9.4	Title V Administrative Requirements – Section IV.....	33
10	Permit Shield	36
11	Endangered Species Act.....	37
12	Environmental Justice	38
13	Public Comment Period	38
14	Conclusion and Final Action.....	38
15	Environmental Appeals Board	39
	APPENDIX A – Emissions Calculations.....	40
	APPENDIX B – Final Part 71 Permit Renewal (Clean and Redline).....	41
	APPENDIX C – PSD Permit and Final Amendments (Clean and Redline)	42
	APPENDIX D – EPA Response to Comments	43

List of Figures

Figure 2-1 Facility Location within Reservation Land

Figure 2-2 Facility Location within Air Basins

List of Tables

Table 5-1 Source Equipment List

Table 6-1 Major Source Thresholds Applicable to Source

Table 6-2 Source Post Control* Potential to Emit (tons/yr)

Table 9-1 Subpart Db NO_x Emission Limits

Table 9-2 Monitoring in the Title V permit

Acronyms & Abbreviations

APCD	Air Pollution Control District
Agreement	Monitoring and Enforcement Agreement
BACT	best available control technology
BTU	British thermal units
CAA	Clean Air Act [42 U.S.C. 7401 et seq.]
Cabazon	Cabazon Band of Mission Indians
CFR	Code of Federal Regulations
CO	carbon monoxide
DSI	dry sorbent injection
DVP	Desert View Power
EPA	U.S. Environmental Protection Agency
gr/dscf	grains per dry standard cubic feet
H ₂ SO ₄	sulfuric acid
HAP	hazardous air pollutant
HC	hydrocarbon
HCl	hydrochloric acid
Hr	hour
kW	kilowatts of electrical power
LAER	lowest achievable emission rate
lb/hr	pounds per hour
MMBtu	million British thermal units
MW	megawatts of electrical power
NAAQS	national ambient air quality standards
NESHAP	national emission standards for hazardous air pollutants
NO	nitrogen oxide or nitric oxide
NO ₂	nitrogen dioxide
NO _x	oxides of nitrogen (NO + NO ₂)
NSPS	New Source Performance Standards, 40 CFR Part 60
NSR	new source review
O ₂	oxygen
Permittee	Desert View Power, LLC (or DVP)
PM	particulate matter
PM _{2.5}	particulate matter 2.5 micrometers (µm) in diameter and smaller
PM ₁₀	particulate matter 10 micrometers (µm) in diameter and smaller
ppm	parts per million
ppmvd	parts per million by volume, dry basis
psig	pounds per square inch gauge
PSD	prevention of significant deterioration
PTE	potential to emit
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District
SO ₂	sulfur dioxide

Source	Desert View Power facility
TDF	tire-derived fuel
tpy	tons per year
μm	micrometer
VOC	volatile organic compounds

Part 71 Federal Operating Permit Renewal/ Administrative PSD Permit Amendments

Statement of Basis

DESERT VIEW POWER

1 Applicant and Contact Information

- a. The name and address of the applicant are as follows:

Desert View Power, LLC
62-300 Gene Welmas Drive
Mecca, CA 92254

- b. Facility Contact: Jim Robertson, Plant Manager, Desert View Power
(760) 262-1682

2 Facility Location and Air Quality Setting

The Desert View Power facility (Source) is a biomass electrical generation facility located in the northern portion of the Cabazon Band of Mission Indians (Cabazon) reservation land in Mecca, California. The Cabazon tribal land covers 1,706 acres. See Figure 2.1. The Source is owned and operated by Desert View Power, LLC (Permittee or DVP). Approximately 806 people live on the reservation, which also hosts a variety of businesses. In addition to the Source, the Cabazon reservation land also contains the Fantasy Springs Casino. First Nation Recovery, a facility that recycled used tires into useful products, previously supplied feed stock for the Permittee's tire-derived fuel in the past but is no longer operational on Cabazon tribal land.

The Source has the potential to emit pollutants regulated pursuant to the National Ambient Air Quality Standards (NAAQS) provisions at Clean Air Act (CAA) Section 109 and hazardous air pollutants (HAPs) regulated pursuant to CAA Section 112. Specifically, the facility has the potential to emit nitrogen oxides (NO_x), nitrogen dioxide (NO₂), volatile organic compounds (VOCs), sulfur dioxide (SO₂), carbon monoxide (CO), particulate matter (PM) —including PM 10 micrometers (µm) in diameter and smaller (PM₁₀) and PM 2.5µm in diameter and smaller (PM_{2.5}) — and HAPs.

Mecca is located in the Coachella Valley portion of Riverside County in the South Coast Air Basin (SCAB). The area where the facility is located is classified as a Severe-15 nonattainment area for

the 2008 and 2015 ozone NAAQS, a serious nonattainment area for the 1997 PM₁₀ NAAQS, and a moderate nonattainment area for the 2012 PM_{2.5} NAAQS. The area is in attainment, maintenance or unclassifiable for SO₂, NO₂, and CO.

In addition to the Cabazon tribe, the following tribes are located within 50 miles of the facility: Torres Martinez Desert Cahuilla Indians, Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, Lipay Nation of Santa Ysabel, Santa Rosa Band of Cahuilla Indians, Los Coyotes Band of Cahuilla and Cupeño Indians, Cahuilla Band of Indians, Ramona Band of Cahuilla, La Jolla Band of Luiseno Indians, Soboba Band of Luiseno Indians, Morongo Band of Mission Indians, and the Twenty-Nine Palms Band of Mission Indians of California. See Figure 2-2.



Figure 2-1 Facility Location within Reservation Land

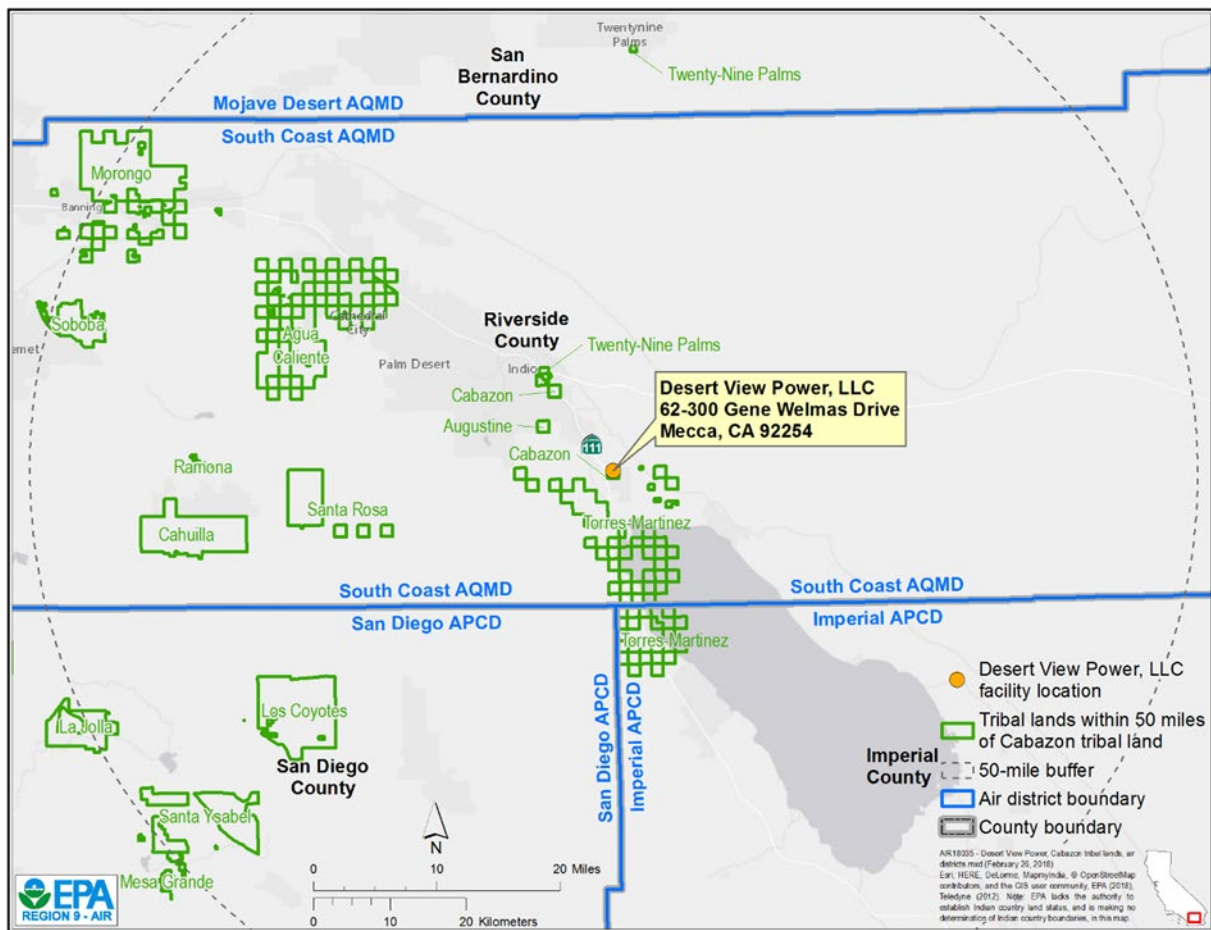


Figure 2-2 Facility Location within Air Basins

3 EPA Authority

Title V of the CAA establishes requirements for stationary source operating permit programs. Typically, these permit programs are developed and implemented by states, under the regulations at 40 CFR part 70. Title V requires that EPA promulgate, administer, and enforce a federal operating permits program when a state does not submit an approvable program within the timeframe set by title V or does not adequately administer and enforce its EPA-approved program. On July 1, 1996 (61 FR 34202), EPA adopted regulations codified at 40 CFR part 71 setting forth the procedures and terms under which the Agency would administer a federal operating permits program. These regulations were updated on February 19, 1999 (64 FR 8247) to incorporate EPA's approach for issuing federal operating permits to covered stationary sources in Indian country.

As described in 40 CFR 71.4(a), EPA will implement a part 71 program in areas where a State, local, or Tribal agency has not developed an approved part 70 program. Unlike States, Indian Tribes are not required to develop operating permits programs, though EPA encourages Tribes

to do so. See, e.g., Indian Tribes: Air Quality Planning and Management (63 FR 7253, February 12, 1998). Therefore, within Indian country, EPA administers and enforces a part 71 federal operating permits program for stationary sources for tribes that have not been approved to administer their own operating permits programs. As the Cabazon tribe has not received approval from EPA to operate a permitting program, EPA is renewing this part 71 permit for this Source.

EPA is also the sole permitting authority for this Source with respect to major and minor source NSR permitting through three separate programs: 1) prevention of significant deterioration (PSD), pursuant to 40 CFR 52.21; 2) major source nonattainment NSR, pursuant to 40 CFR 51, Appendix S [see also 40 CFR 49.166-170]; and 3) tribal minor source NSR, pursuant to 40 CFR 49.151-164.

A Monitoring and Enforcement Agreement (Agreement)¹ signed by EPA on June 1, 1989 delegates enforcement authority to the South Coast Air Quality Management District (SCAQMD). The agreement also lists the applicable SCAQMD rules to which the Source is subject, however the agreement explicitly re-affirms EPA's authority to include applicable requirements in the permits it issues to the Permittee.

4 Permitting History

PSD Permit

On June 28, 1988, EPA issued a PSD permit (EPA Permit No. SE 87-01) to Colmac Energy for the construction of the Source pursuant to the regulatory requirements at 40 CFR 52.21. The facility initially consisted of two biomass-fired boilers (EU-1) and a fuel yard (EU-2). See equipment listing in Table 4-1. The Source's PSD permit has been amended several times since, as described below.

- April 22, 1991: On April 24, 1990, EPA proposed amendments to the PSD permit that would delete emissions offset conditions. EPA received comments from the South Coast Air Quality Management District (SCAQMD) and the California Air Resources Board, expressing concerns regarding EPA's proposal to delete the offset conditions from the Authority to Construct. On April 22, 1991, EPA finalized the permit with revised language for the offset conditions to address these comments. This permit amendment also added the aforementioned Agreement by reference.

¹ The Agreement was also signed by the Permittee, SCAQMD, Cabazon, Bureau of Indian Affairs, Coachella Valley Association of Governments, and the County of Riverside, between May 10 and June 1, 1989. The Agreement sets forth offset and mitigation conditions and designates the SCAQMD as EPA's representative to enforce the PSD permit at the Source and to collect fees pursuant to SCAQMD emission fee requirements.

- May 20, 1994: The permit was revised to allow for the construction and operation of an emergency generator (EU-09).
- October 4, 1995: The permit was revised to allow for the use of petroleum coke and to add conditions that instruct the Permittee to comply with SCAQMD fugitive dust requirements.
- October 1, 1997: The permit was revised to permit NO_x emissions on a daily basis at 648 lbs/day per boiler, as well as retaining the 3-hour limit of 30 lbs/hr per boiler.
- May 6, 1998: The permit was revised to replace the 12% CO₂ correction with a 3% O₂ correction for the pollutants SO₂, CO, and NO_x.
- September 15, 2000: The permit was revised to allow for temporary alternate fuel testing operations. This amendment authorized the testing of blended alternate fuels such as scrap railroad ties, tire derived fuel (TDF), and waste paper and plastic, in addition to the fuels already allowed (i.e., biomass, petroleum coke and natural gas). The testing operations did not require any change or modification of existing equipment and there was no increase in permitted emission levels.
- August 14, 2003: The permit was revised to allow the combustion of three additional fuels (scrap railroad ties, TDF, and corrugated paper waste), up to 20% on an hourly basis and up to 15% on an annual basis. These revisions also lowered the CO emission limit from 45.0 lbs/hr to 13.0 lbs/hr and the hydrocarbons limit from 10.0 lbs/hr to 5.9 lbs/hr, changed the TSP limit of 7.5 lbs/hr to a PM₁₀ limit of 3.9 lbs/hr, and imposed a boiler stack gas opacity limit of 10%.
- May 22, 2015: The permit was revised through an administrative amendment pursuant to 40 CFR 49.159(f) to add a dry sorbent injection (DSI) system for the control of hydrogen chloride (HCl), in order to comply with emissions limits at 40 CFR part 63, subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.

In February 2011, Greenleaf Power acquired the Source from Colmac Energy. On February 5, 2015, Greenleaf Power submitted an application for an administrative amendment pursuant to 40 CFR 49.151, to comply with the recently promulgated 40 CFR part 63, subpart DDDDD requirements for industrial boilers. The application proposed installing a DSI system to inject hydrated lime at the same point of injection as the limestone injection. The limestone injection is an existing process, as is the limestone silo. The DSI was installed but the proposed injection of ash conditioning compounds was abandoned, thus any newly permitted emissions units associated with the ash conditioning process (approved by EPA Region 9 on May 22, 2015) were never installed. The Permittee only installed the DSI system and operated the additional truck traffic resulting from the new unit.

Part 71 Operating Permit

On August 2, 2000, EPA issued the initial operating permit for the facility (EPA Permit No. CB-OP 99-01), pursuant to 40 CFR part 71 requirements. When EPA revised the Permittee's PSD permit in August 2003, less than three years remained on the part 71 permit term, and the part 71 permit was not reopened to add the revised PSD conditions, consistent with 40 CFR 71.7(f)(1)(i). On January 25, 2005, the Permittee submitted a part 71 renewal application to EPA. Initial work was suspended due to outstanding fee issues. The Permittee is now current on all part 71 emission fee payments, and part 71 permit renewal activities have resumed.

5 Facility Description

The Source is a biomass electrical generation facility located approximately 40 miles southeast of Palm Springs in Riverside County, California. The Permittee is under a long-term power purchase agreement to supply power to the Imperial Irrigation District. The Permittee supplies no other entity with power, nor sells excess power to the grid.

The Permittee operates two 300 million BTU per hour (MMBTU/hr) circulating fluidized bed boilers that drive one Siemens steam turbine generator. The generator is capable of producing 47 megawatts (MW) of electricity per hour.² Please see Table 5-1 for equipment list. The boilers can operate together or independently. Each boiler is equipped with a baghouse/fabric filter for PM control, a thermal deNO_x ammonia injection system for NO_x control and a limestone/DSI system that injects limestone into the fuel feed to the combustion chamber for SO₂ control, and hydrated lime into the combustion gases upstream of each fabric filter for SO₂ and HCl control.

The facility is permitted to burn agricultural biomass, municipal woody waste, commercial and industrial wood residues, scrap railroad ties, corrugated paper waste, petroleum coke and TDF with certain restrictions. Natural gas is used for boiler start-up and flame stabilization when required. The facility includes air pollution control equipment, fire protection equipment, and material handling and storage facilities. Following is a description of each part of the process.

Steam Generation

The two boilers (collectively, EU-01) are designed to generate a total of 427,520 lbs/hr of steam at 950°F and 1,250 pounds per square inch gauge (psig). Each unit includes the following: fuel metering and feed system, fluidized bed combustor, forced circulation boiler system, air preheater system, bed removal cooling system, bed level control system, bag filter system, auxiliary gas burners (with piping) system, combustion air and flue gas handling system, ammonia injection system, structural steel, platforms, and ladders.

² DVP is contractually obligated to provide no more than a net 45 MW of electricity. [DVP Part 71 Renewal Application, January 25, 2005 and subsequent submittals (DVP Renewal Application), Addendum #6.

Steam Turbine Generator

The function of the turbine generator (a component of EU-01) is to convert the mechanical energy of steam in the turbine to electrical power. The turbine is a multistage condensing unit driving an air-and-water-cooled electric generator. The turbine generator includes a main stop valve, electrohydraulic control system, emergency overspeed system, gland steam sealing system, turning gear, lube oil system, control oil system, turbine control panel, electronic governor control turbine supervisory system, and protective circuit breakers.

Fuel Handling System

The fuel handling system includes equipment transport to stack the incoming fuels into outdoor storage piles, reclaim the fuel from outdoor storage, separate and shred the oversized fuel particles into acceptable size, and deliver the fuel to any combination of metering bins at the two fluidized boilers.

Auxiliary facilities are also included to weigh incoming and outgoing fuel delivery trucks, provide maintenance and refueling for the plant rolling stock, and screen out and separate ferrous and nonferrous metals from the incoming fuels delivered to the boiler metering bin.

Ash Handling System

Ash handling is performed in part by the baghouses/fabric filters. The function of the ash handling system is to collect bottom and fly ash intermittently and continuously from various sections of each individual fluidized bed combustor and the baghouse filters. Each fluidized bed combustor is provided with an individual ash handling system, and the collected ash from both systems is transported into one common fly ash storage silo (EU-07).

The ash handling system consists of dry drag chain conveyors, screw conveyors, and an ash storage silo with an unloader. Ash collected from the fluidized bed combustor bed drain outlets, economizer hoppers, air preheater hoppers, and baghouse filter hoppers is discharged through individual drag chain conveyors into a common transfer conveyor. It is then transported into a common storage silo via drag chain conveyor and is unloaded through an ash conditioner to a truck for agricultural soil amendment or landfill disposal. Water is used in the conditioner for dust control.

Auxiliary Fuel System

The auxiliary fuel system is designed to provide natural gas to each boiler during startup and to augment the biomass fuel in the event of high moisture content. Natural gas is supplied by the Southern California Gas Company.

Cooling Water System

The circulating water system consists of two circulating water pumps, cooling tower (EU-08), piping, valves, and instruments. It is designed to provide cooling water to the main condenser, the closed cooling water heat exchanger, and bed removal cooling screw conveyor.

The cooling tower is an induced draft, counter flow, four cell unit designed to serve as the ultimate heat sink for the plant. Makeup water to the cooling tower basin is supplied by gravity from the raw and fire water tank.

Flue Gas Handling and Emissions Control

The flue gas handling and cleaning system for each individual fluidized bed boiler consists of a cyclone, economizer, air preheater, baghouse filter, induced draft fan, interconnecting ducts and breeching, and a common stack. The system is designed to monitor the pollutant level from the stack continuously in accordance with requirements and performance specifications delineated in 40 CFR 60.13, 40 CFR part 60, Appendix B (Performance Specification 2), and 40 CFR part 52, Appendix E, and consistent with SCAQMD requirements.

Emission control equipment employed at the facility includes the following:

- A circulating fluidized bed combustor for promotion of complete combustion and minimization of VOC and CO emissions.
- A thermal deNO_x ammonia injection system (01-C01), which is designed to provide a large turbulent volume at the proper temperature for reaction of the ammonia with oxides of nitrogen to reduce NO_x emissions.
- A fabric filter/baghouse (01-C02) for capture of particulate emissions with provision for removing individual groups of filter bags from the gas flow to prevent re-entrainment of dislodged particulate during the cleaning cycle.
- A combustor limestone injection system to reduce SO₂ emissions.
- A DSI system using hydrated lime (01-C03) for the control of HAPs and HCl.
- Fabric filter/baghouses for the fuel hog and cyclone, fly ash storage silo, limestone storage silos, and the hydrated lime storage silos.

Support and Auxiliary Equipment

The facility also includes the following equipment:

- *Hydrated Lime truck traffic (EU-13)*: Includes deliveries of hydrated lime
- *Biomass fuel yard (EU-03)*: Equipped with wind screens to prevent PM emissions from wind erosion
- *Fuel stacker (EU-05)*: Uses a moveable conveyor to stack fuel prior to loading on the fuel hog
- *Fuel hog and cyclone (EU-04)*: Equipped with an enclosure and fabric filter/baghouse
- *Wood chips conveyor system (EU-14)*: Equipped with partial covers and water mist for PM control
- *Storage silos: fly ash – EU-07; hydrated lime – EU-11; limestone storage silo – EU-12*: Each equipped with fabric filter/baghouses
- *Petroleum coke storage (EU-06)*: For storage of petroleum coke, TDF, and other fuels not capable of being immediately processed

- *Cooling tower (EU-08)*: Cools down the boiler heat exchange water
- *Emergency generator (EU-09)*: Used for emergency operation only
- *Emergency fire pump engine (EU-10)*: Used for emergency fire response only

Table 5-1 Source Equipment List

Emission Unit I.D. No.³	Unit Description	Associated Control Equipment	Control Equipment I.D. No.
EU-01	Boilers 1 & 2 Combustion Engineering circulating fluidized bed boilers, 300 million BTU/hr each, Siemens ABB VAX steam turbine generator, Total net electrical output: 47 MW	Thermal deNO _x system	01-C01
		Fabric filter/baghouse	01-C02
		Hydrated lime/DSI system	01-C03
EU-03	Biomass fuel yard – wind erosion	Wind screens	03-C01
EU-04	Fuel hog and cyclone	Enclosure, Fabric filter/baghouse	04-C01
EU-05	Fuel stacker	Enclosure	05-C01
EU-06	Petroleum coke storage	Partially enclosed building	06-C01
EU-07	Fly ash storage silo	Fabric filter/baghouse	07-C01
EU-08	Cooling tower	Drift controls	08-C01
EU-09	Emergency generator, Generac Model 32868-12688, 275 kW, 60 Hz, 440 HP	n/a	
EU-10	Fire pump, Cummins Model NT 855 F3, 290 HP	n/a	
EU-11	Hydrated lime storage silo	Fabric filter	11-C01
EU-12	Limestone storage silo	Fabric filter	12-01
EU-13	Hydrated Lime Truck traffic	n/a	
EU-14	Wood chips conveyor system	Partial covers and water sprays	15-C01

³There is no EU-02. The previous unit, EU-02, the Biomass Grinder, was removed from the facility in 2015.

6 Emissions from the Facility

The Source is located in an area that is classified Severe-15 nonattainment for the 2008 and 2015 8-hour ozone NAAQS, serious nonattainment for PM₁₀, and moderate nonattainment for the 2012 annual PM_{2.5} NAAQS.⁴ Pursuant to 40 CFR 51.165(a)(1)(iv)(A), the major source NO_x and VOC thresholds for facilities located in severe ozone nonattainment areas are 25 tons per year (tpy) for both pollutants.

Table 6-1 lists the applicable major source thresholds pursuant to 40 CFR 51.165(a)(1)(iv)(A) (Nonattainment NSR Major Source), 40 CFR 52.21(b)(1)(i)(b) (PSD Major Source), and 40 CFR 71.2 (Title V Major Source). See Table 6-1. If post-control emissions for the Source exceed applicable minor and/or major thresholds shown in Table 6-1, then the relevant CAA permitting requirements apply. Table 6-2 lists the Source's pre-and post-control emissions summary for units with permitted emissions limitations lower than their potential to emit.

Table 6-1 Major Source Thresholds Applicable to Source

Regulated NSR pollutant	Nonattainment NSR major source (tpy)	Title V major source (tpy)	PSD major source (attainment areas) (tpy)	HAP major source (tpy)
Carbon monoxide (CO)	n/a	100	250	---
Nitrogen oxides (NO _x)	25	100	250	---
Sulfur dioxide (SO ₂)	---	100	250	---
Volatile Organic Compounds (VOC)	25	100	250	---
PM	---	---	250	---
PM ₁₀	70	100	250	---
PM _{2.5}	100	100	250	---
HAP (all)				25
HAP (single)				10

⁴ See 40 CFR 81.305. The area is attainment or unclassifiable for SO₂, NO₂, and CO.

Table 6-2 Source Post-Control* Potential to Emit (tons/yr)

Emission Unit	NO_x	VOC	SO₂	PM₁₀	CO	Pb	HAP
01	237	52	105	34	263	1.5E-02	69
09	1.4	0	0	0	0		0
10	0.9	0	0	0	0		
Total	239	88	105	34	305	1.53E-02	69

* Allowable levels are based upon the federally enforceable emissions limitations for only those units that have allowable emissions limitations lower than their potential to emit. See Appendix A for calculation details.

7 PSD Permit Administrative Amendments

The EPA is administratively amending the following conditions of the PSD Permit:

7.1 Conditions IX.B.1, IX.C.1, IX.C.2

Change: References to total suspended particulates (TSP) were replaced with references to PM₁₀ in Conditions IX.B.1, IX.C.1, and IX.C.2.

Rationale: In the 2003 amendment to the PSD permit, the TSP emission limit in Condition IX.F.1 was revised to PM₁₀, but other references to TSP were not correspondingly updated in the permit.

7.2 Condition IX.D.4

Change: Delete Condition IX.D.4 (listed below) in its entirety.

~~*The annual input of biomass fuel (agricultural wastes, commercial woodwastes, straw, bermuda grass, asparagus ferns, orchard prunings) to the two (2) boilers shall not exceed 400,000 "wet" tons.*~~

Rationale: On June 1, 2019, the Permittee submitted a request to remove Condition IX.D.4 that limits the annual amount of biomass fuel to 400,000 "wet" tons. The Permittee states that this condition places restrictions on its ability to burn an economical fuel blend. EPA agrees, noting that the Source's potential to emit is not dependent on the amount of fuel that can be burned, and that emissions are instead limited by the capacity of the boilers, operating hours, and other emissions and operating restrictions throughout the permit. The amount of fuel burned is therefore not a "bottleneck" in the process and there is no environmental benefit gained by this additional restriction. Eliminating this condition will not result in any emissions increase, nor in a change in the method of operation, and therefore fits within the criteria established for administrative revisions in 40 CFR 49.159(f)(1).

7.3 Condition IX.D.6

Change: Amend Condition IX.D.6 as follows:

Operation of the emergency generator and fire pump shall not exceed 200 hours per calendar year each nor use more than 22 gallons of diesel per hour per unit.

Rationale: Condition IX.D.6 was added administratively on May 20, 1994 to appropriately

require an operating limit for emergency standby engines consistent with California and SCAQMD requirements. This condition should have also been extended to the fire pump engine which was overlooked during the initial permitting.

7.4 Condition IX.F

Change: Amend Condition IX.F as follows:

On ~~or after~~ the date of startup, and thereafter, Colmac Energy, Inc. the Permittee shall not discharge or cause the discharge of PM₁₀ in excess of the more stringent of ~~0.010~~ 0.006 gr/dscf at 12% CO₂ or 3.9 lbs/hr per boiler (3-hour average). (revised Aug. 14, 2003) (revised May, 2020)

On ~~or after~~ the date of startup, and thereafter, Colmac Energy, Inc. the Permittee shall not discharge or cause the discharge into the atmosphere from the boiler exhaust stack gases which exhibit an opacity of ~~10% percent~~ of greater for any period or periods aggregating more than three minutes in any one hour.

Rationale: EPA is revising this condition to clarify that the PM₁₀ limits and 10% opacity requirements apply at all times. In addition, we are correcting an oversight in the grain loading requirement. The original permit condition included a TSP emission rate of the more stringent of 0.010 gr/dscf (grain loading) or 7.5 lbs/hr. In 2003, EPA lowered the TSP emission rate of 7.5 lbs/hr to a PM₁₀ emission rate of 3.9 lbs/hr, however, we did not lower the equivalent grain loading limit from 0.010 gr/dscf. Per the applicant's CAM plan and subsequent submittal,⁵ EPA is revising the grain loading limit of 0.010 gr/dscf to 0.006 gr/dscf concurrent with the lower mass emission rate of 3.9 lbs/hr.⁶

7.5 Condition IX.H

Change: Amend Condition IX.H as follows:

On ~~or after~~ the date of startup, and thereafter, Colmac Energy, Inc. the Permittee shall not discharge or cause the discharge into the atmosphere ~~CO~~ NO_x in excess....

Rationale: EPA is correcting a typographical error in the condition specifying "CO" instead of "NO_x," updating the Permittee name, and clarifying that this condition applies at all times.

⁵ DVP Renewal Application, Addendum #1, Addendum #13

⁶ Please see Appendix A for emissions calculations

7.6 Condition IX.K

Change: Amend Condition IX.K as follows:

The Source is subject to the Standards of Performance for New Stationary Sources (NSPS) 40 CFR 60, Subparts A, and Db, ~~and E~~, including all emissions limits and all notification, testing, monitoring, and reporting requirements.

Rationale: The PSD permit originally included a condition that required compliance with Subpart E, “Standards of Performance for Incinerators”; We believe this was due to the inadvertent error that equated boilers to incinerators because they were allowed to burn certain waste streams as fuel. An incinerator is defined in Subpart E as “...any furnace used in the process of burning solid waste for the purpose of reducing the volume of the waste by removing combustible matter.” While the permit authorizes the use of certain waste streams, its use in a boiler is as a fuel stream not to reduce the volume. EPA has since determined Subpart E is not applicable to the facility.

7.7 Condition XI

Change: Amend Condition XI as follows:

XI. Additional requirements for Hydrated Lime Delivery System Pursuant to 40 CFR 49.153(a)(2) – Minor NSR in Indian Country

<i>Emission Unit</i>	<i>Description</i>
HLS <u>EU-11</u>	Hydrated Lime Storage Silo #1 (with fabric filter)
ACS-1	Ash Condition Storage #1
ACS-2	Ash Condition Storage #2 (with fabric filter)
FUG-1 <u>EU-12</u>	Hydrated Lime Truck Traffic

A. Emissions Limitations and Work Practice Standards

- 1. Vehicle miles traveled (VMT) for truck traffic associated with deliveries of hydrated lime – ~~FUG-1~~ EU-12 – to the permitted source shall not exceed 280 miles per 12-month period.*

2. *Annual delivery and usage of hydrated lime shall not exceed 2365 tons per 12-month period.*

B. Monitoring and Testing Requirements

1. *The Permittee shall monitor on a monthly basis each delivery of hydrated lime (in tons) and the VMT for each delivery.*
2. *At least once per calendar month, the permittee shall inspect the interior and exterior of the fabric filters ~~for of HLS 1, ACS 1, and ACS 2~~ EU-11 for evidence of damage or leaks, and take appropriate corrective actions to restore filters to proper operation before resuming normal operations.*

C. Recordkeeping and Reporting Requirements

1. *The Permittee shall maintain records on a monthly basis of each delivery related to hydrated lime, including the tons of hydrated lime delivered and VMT for each delivery, and determine the 12-month rolling total for each.*
2. *The permittee shall maintain records of the dates and results of each filter inspection performed pursuant to condition ~~XI.B.42~~ XI.B.42 and any corrective actions taken as a result of the required inspections shall be recorded.*

Rationale: The permittee never commenced construction of the Ash Conditioning storage units and the eighteen-month deadline to commence construction expired under 40 CFR 49.155(b). Therefore, these units and associated language can be removed. We are also re-naming the new emission units to remain consistent with the original numbering scheme.

7.8 Other Administrative Changes

EPA is making other administrative corrections to the permit language to address typos, name and address changes, historical updates to the record, etc., consistent with 40 CFR 49.159(f)(1). These changes and others described above can be viewed in a red-line version of the Permit in Appendix B.

8 Federal Applicable Requirements

The following subsections describe the applicable federal requirements that are required to be incorporated into a part 71 permit. These requirements are included as described below.

8.1 PSD Permit No. 87-01

PSD permit SE 87-01, issued by Region 9 on June 28, 1988, authorized the construction of two biomass-fired boilers and the fuel yard. The permit, and its subsequent amendments, set emission limits for NO_x, CO, SO₂, VOC, and PM, required installation of emission control devices, as well as adherence to testing, monitoring, recordkeeping, and reporting provisions to assure compliance with the emission limits, consistent with PSD permitting requirements. These conditions including the administrative amendments described in Section 7 are incorporated in the final permit.

8.2 40 CFR Part 60, Subpart A, General Provisions

The Permittee is subject to the general NSPS provisions of Subpart A, which generally apply to any “affected source,” defined as any group of equipment that emits or may emit any air pollutant and is subject to a standard in 40 CFR part 60. The affected sources at DVP include the equipment list in Table 5-1. One additional part 60 standard, Subpart Db, described in the Section 8.3, is applicable to the facility. The PSD permit lists Subpart E – Standards of Performance for Incinerators as applicable to the facility, however, EPA has since determined Subpart E is not applicable to the facility and has made the appropriate revision in the permit conditions (see Section 7.6).

8.3 40 C.F.R. Part 60, Subpart Db Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units

The NSPS provisions of Subpart Db apply to steam generating units that commenced construction, modification, or reconstruction after June 19, 1984, and that have a heat input capacity from fuels combusted in the steam generating unit of greater than 29 MW (100 million BTU/hour). Boilers 1 and 2 were installed on February 5, 1992 and have a heat input capacity of 300 MMBtu each and are therefore subject to this regulation. Subpart Db contains emission limits for NO_x, SO₂, and particulate matter, and associated testing, monitoring, recordkeeping, and reporting requirements.

8.4 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engine

40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (Subpart ZZZZ) establishes emission limitations and work practice standards for HAPs emitted from various types of stationary engines. The Permittee is subject to the requirements for existing emergency compression ignition stationary engines at a major source of HAP rated at less than 500 horsepower (HP). The Permittee must comply with work practice standards related to maintenance of engines for EU-09 and EU-10.

8.5 40 CFR Part 63, Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants

40 CFR Part 63, Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters National Emission Standards for Hazardous Air Pollutants (Subpart DDDDD) was originally finalized on March 21, 2011 (76 FR 15608); however, the effective dates were later delayed pending judicial review. See 76 FR 28662 (May 18, 2011). Subpart DDDDD was subsequently revised on May 18, 2011 (76 FR 28662), January 13, 2013 (78 FR 7138), and November 15, 2015 (80 FR 72790). The 2015 version of the rule delayed the compliance date for existing units until January 31, 2016.

Subpart DDDDD establishes national emission limitations and work practice standards for hazardous air pollutants (HAP) emitted from various categories of industrial, commercial, and institutional boilers and process heaters located at major sources of HAP. A major source of HAP is one that has a potential to emit 10 tons per year from a single HAP or 25 tons per year from a combination of one or more HAPs. The Permittee is subject to Subpart DDDDD requirements by virtue of its potential to emit 58 tons per year of HCl and 69 tons per year total HAP. As such the Permittee is subject to Subpart DDDDD limits on PM, CO, HCl and mercury.

8.6 Federally Applicable Monitoring Requirements

The permit requires annual performance testing, and the use of a continuous opacity monitor and continuous emissions monitoring systems to measure stack gas SO₂, CO and NO_x concentrations. These monitoring requirements are required by the underlying applicable requirements, i.e., PSD permit SE-87-01 and NSPS Subpart Db. When EPA issued the initial Part 71 permit in 2000, we added requirements for the Permittee to keep records of the hours of operation and diesel fuel use for the emergency generator (condition II.D.7) and of all activities undertaken to minimize fugitive emissions from ash storage pile (condition II.D.8). EPA has retained these record-keeping provisions in the renewal permit. The only new monitoring that EPA is adding to the renewal permit is CAM monitoring for the continuous opacity monitoring system. The CAM monitoring, described below, is in new conditions II.C.22-23 and II.D.9.

A cross-referencing summary of all federally applicable monitoring is contained in Table 9-2.

8.7 40 C.F.R. Part 64, Compliance Assurance Monitoring (CAM)

Part 64 applies to emission units at title V sources with a pre-control potential to emit above the major source threshold that rely on add-on control devices to comply with emission limits.

The intent of the CAM rule is to ensure that such control devices are properly operated and maintained and do not deteriorate and cause emissions limit violations.

CAM applies on a pollutant-by-pollutant basis. CAM does not apply to Boilers 1 and 2 for CO or VOC because the facility does not use add-on control devices for these pollutants. Control of CO and VOC are achieved by proper combustion and boiler design. CAM does not apply to Boilers 1 and 2 for NO_x and SO₂ because the Part 71 permit requires a continuous compliance determination method (in this case, a continuous emissions monitoring system or CEMS). See 40 CFR 64.2(b)(vi).

CAM applies to Boilers 1 and 2 for PM₁₀ because the pre-control potential to emit for these pollutants exceeds the Part 71 major source threshold and a control device (fabric filter/baghouse) is used to comply with emission limits. Therefore, the Part 71 permit must contain sufficient monitoring pursuant to Part 64 requirements to assure compliance with the boiler emission limits for these pollutants.

The Permittee has installed a transmissometer, which is a continuous opacity monitoring system (COMS) that continuously measures the opacity from the boiler stacks to demonstrate compliance with a PM₁₀ emissions limit of 0.006 gr/dscf and an opacity limit of 10%. The Permittee conducted a correlation study on May 1, 2019 which consisted of source test measurements for PM₁₀ concurrent with opacity measurements from the COMS. The test results indicated an average PM₁₀ emission rate of 0.00049 gr/dscf (against a limit of 0.006 gr/dscf) correlated to an average opacity level of 2.75%.⁷ The COMS systems sets off an alarm at a specified opacity level. Part 64 requires monitoring that identifies one or more representative control device operational parameters and specifies an indicator range that will provide a reasonable assurance of compliance with the emission limit. The indicator range may consist of multiple values, or a minimum or maximum value. Accordingly, EPA is defining an excursion of the PM₁₀ and/or opacity limit as an hourly average that exceeds 7.5%. The monitoring system shall be calibrated to alarm when an excursion occurs which will trigger the need for corrective action steps which include immediate investigation, appropriate maintenance, replacing fabric filter components, performing required reporting and recordkeeping actions, and returning the unit(s) to normal operation as expeditiously as possible in accordance with good air pollution control practices for minimizing emissions. If at any time during the corrective action steps the stack gas opacity exceeds the 10% opacity limit the Permittee shall immediately shut down the boiler and fabric filter and report any permit deviation. Please see specific changes to Condition II.C.24 in Section 9.2 below.

9 Part 71 Permit Content and Final Changes

EPA is required by 40 CFR part 71 to include in an operating permit all federally applicable

⁷ DVP Renewal Application, Addendum #5.

emission limits and standards that apply to a facility as well as monitoring, testing, record keeping, and reporting requirements adequate to determine compliance. Where existing monitoring, testing, record keeping, and reporting requirements are not adequate to determine compliance, EPA is obligated to fill these gaps. Table 9-1 includes the federally applicable limits pursuant to 40 C.F.R. Part 60, Subpart Db Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units and Table 9-2 includes a summary of all the applicable monitoring requirements incorporated into the part 71 permit.

Although part 71 specifies required permit content it does not specify any required permit format. In this case, EPA has determined that a format that organizes requirements by pollutant would be easiest to understand because the Source has only two boilers (grouped as one emission unit – EU-01) that are the primary source of emissions. All other emission units are support or secondary to the primary emitting unit. All conditions clearly indicate whether they are applicable to the boilers, secondary units or both.

In some cases, parts of applicable regulations have been incorporated into the permit by reference. In general, incorporation by reference has been used for verbose definitions, test methods, design criteria, and requirements that the Permittee must include in written plans.

The following subsection describes the organization of the part 71 permit and final new conditions.

9.1 Source Information — Section I

This section includes general information about the facility, contact information and a summary and description of all emission units at the facility. This section contains updates to the contact information and corrections to the equipment and facility descriptions. For example, the renewal will update the description for the unit that is numbered EU-3 and described as “Ash Handling” in the existing permit #CB-OP 99-01. Ash handling is performed in part by the baghouses/fabric filters, and this unit is more accurately described as a *Fly Ash Storage Silo (EU-07)* with its own fabric filter/baghouse. See Section 5 for a more complete description of the Permittee’s ash handling system.

9.2 Requirements for Specific Pollutants – Section II

This section contains conditions that were derived from applicable NSPS (part 60) and NESHAP (part 63) standards and conditions. In addition, Section II of the permit includes all applicable conditions from the Permittee’s PSD permit.

Final new and revised part 71 conditions added pursuant subpart DDDDD requirements are as follows:

Condition II.A.6 PM Limit

For each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of filterable PM in excess of 0.11 lb/MMBtu of heat input.

- a. In the alternative, the Permittee may elect to comply with an output-based emission limitation for EU-01. In this case, for each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of filterable PM in excess of 0.14 lb/MMBtu of steam output (1.6 lb/megawatt-hour (MWh)). The Permittee should indicate whether it has elected to comply with this alternative emission limitation in reporting compliance with the limitation under Condition III.C.

[40 CFR 63.7500(a)(1); 40 CFR Part 63, Subpart DDDDD, Table 2, Item 9]

Condition II.A.7. Opacity Limit

The Permittee shall not discharge or cause the discharge into the atmosphere from the boiler exhaust stack gases which exhibit an opacity of 10 percent or greater for any period or periods aggregating more than three minutes in any one hour, and equal to 10 percent opacity or the highest hourly average opacity reading measured during the performance test run demonstrating compliance with the PM emission limitation (daily block average). [PSD permit SE 87-01 Condition IX.F; 40 CFR 63.7500; (40 CFR Part 63, Subpart DDDDD, Table 4, Item 3)]

Note: This is a current PSD Permit Condition that is streamlined with Subpart DDDDD, Table 4, Item 3 requirements. See Section 10 for additional information.

Condition II.A.8: Opacity Limit

For each boiler, the Permittee shall maintain opacity to less than or equal to 10 percent opacity or the highest hourly average (daily block average) opacity reading measured during the performance test run demonstrating compliance with Condition II.A.6. [40 CFR 63.7500; (40 CFR Part 63, Subpart DDDDD, Table 4, Item 3)]

Condition II.A.11 Carbon Monoxide Limit

For each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of CO in excess of 310 ppm by volume on a dry basis corrected to 3 percent oxygen, 30-day rolling average. Compliance with this limit shall be demonstrated by a use of the Permittee's existing CO CEMS operated pursuant to Condition II.C.10.

- a. In the alternative, the Permittee may elect to comply with an output-based emission limitation for EU-01. In this case, for each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of CO in excess of 4.6E-01 lb/MMBtu of steam output (5.2 lb/MWh) based on a 3-run average. Compliance with this limit shall be demonstrated by a use of the Permittee's existing CO CEMS operated pursuant to Condition II.C.9. The Permittee should indicate whether it has elected to comply with this alternative emission limitation in reporting compliance with the

limitation under Condition III.C.

[40 CFR 63.7500(a)(1); 40 CFR Part 63, Subpart DDDDD, Table 2, Item 9]

Condition II.A.16. Hydrogen Chloride Limit

For each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of hydrogen chloride in excess of 0.022 lb per MMBtu of heat input. [40 CFR Part 63, Subpart DDDDD, Table 2]

Condition II.A.17. Mercury Limit

For each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of mercury in excess of 5.7E-06 lb per MMBtu of heat input. [40 CFR Part 63, Subpart DDDDD, Table 2]

Condition II.A.18.f. Startup, Shutdown and Malfunction Provisions

The emission limits in Conditions II.A.6, II.A.13, II.A.15, and II.A.16 apply at all times, except for periods of startup and shutdown when the following conditions apply:

i. For startup:

1. The Permittee must operate all continuous monitoring systems.
2. If using Definition (1) of “startup” in §63.7575, the Permittee must use one or a combination of clean fuels vent emissions to the main stack and operate all applicable control devices, except the fabric filter/baghouse, and the dry sorbent and limestone injection system. The Permittee must start the dry sorbent and limestone injection system as expeditiously as possible. Startup ends when steam or heat is supplied for any purpose.
3. If using Definition (2) of “startup” in §63.7575, once the Permittee begins to fire fuels other than clean fuels, the Permittee must vent emissions to the main stack(s) and engage all of the applicable control devices so as to comply with the emission limits within 4 hours of start of supplying useful thermal energy. The Permittee must engage and operate PM control within one hour of first feeding fuels that are not clean fuels or when necessary to comply with other applicable standards that require operation of the control devices. The Permittee must develop and implement a written startup and shutdown plan, as specified in §63.7505(e).

ii. For shutdown:

1. The Permittee must operate all continuous monitoring systems
2. When firing fuels other than clean fuels, the Permittee must vent emissions to the main stack and operate all applicable control devices, except the fabric filter/baghouse, and the dry sorbent and limestone injection system, unless it is necessary to comply with other applicable requirements that require operation of the control device.
3. If in addition to the fuel used prior to initiation of shutdown, another fuel must

be used to support the shutdown process, that additional fuel must be one or a combination of clean fuels.

iii. For startup and shutdown:

1. The Permittee must collect monitoring data, as specified in 40 CFR 63.7535(b).
2. The Permittee must keep records.
3. The Permittee must provide reports concerning activities and periods of startup and shutdown, as specified in 40 CFR 63.7555.

Pursuant to 40 CFR 63.7575, “startup means:

Definition (1): The first-ever firing of fuel in a boiler or process heater for the purpose of supplying useful thermal energy for heating and/or producing electricity, or for any other purpose, or the firing of fuel in a boiler after a shutdown event for any purpose. Startup ends when any of the useful thermal energy from the boiler or process heater is supplied for heating, and/or producing electricity, or for any other purpose, or

Definition (2): The period in which operation of a boiler or process heater is initiated for any purpose. Startup begins with either the first-ever firing of fuel in a boiler or process heater for the purpose of supplying useful thermal energy (such as steam or heat) for heating, cooling or process purposes, or producing electricity, or the firing of fuel in a boiler or process heater for any purpose after a shutdown event. Startup ends four hours after when the boiler or process heater supplies useful thermal energy (such as heat or steam) for heating, cooling, or process purposes, or generates electricity, whichever is earlier.

Pursuant to 40 CFR 63.7575, “shutdown” means the period in which cessation of operation of a boiler is initiated for any purpose. Shutdown begins when the boiler no longer supplies useful thermal energy (such as heat or steam) for heating, cooling, or process purposes and/or generates electricity or when no fuel is being fed to the boiler, whichever is earlier. Shutdown ends when the boiler no longer supplies useful thermal energy (such as steam or heat) for heating, cooling, or process purposes and/or generates electricity, and no fuel is being combusted in the boiler.

Pursuant to 40 CFR part 63 Subpart DDDDD Table 3, Items 5 and 6, “clean fuels” means natural gas, synthetic natural gas, propane, other Gas 1 fuels, distillate oil, syngas, ultra-low sulfur diesel, fuel oil-soaked rags, kerosene, hydrogen, paper, cardboard, refinery gas, liquefied petroleum gas, clean dry biomass, and any fuels meeting the appropriate HCl, mercury and TSM emission standards by fuel analysis

[40 CFR 63.7575; 40 CFR part 63 Subpart DDDDD, Table 3, Items 5 and 6,]

Condition II.B.1.b. The following revision was made:

Each boiler shall be equipped with a limestone injection and hydrated lime system for the control of SO₂, acid gas emissions (H₂SO₄ and HCl).

Condition II.B.5. The Permittee shall meet the following requirements for the emergency generator (EU-9) and fire pump (EU-10):

- a. Operation of the emergency generator (EU-09) and fire pump (EU-10) shall not exceed 200 hours per calendar year each nor use more than 22 gallons of diesel per hour per unit. [PSD permit SE 87-01 Condition IX.D.6]
- b. For the engine to be considered an emergency engine pursuant to applicable provisions of 40 CFR part 63, subpart ZZZZ, the Permittee must operate EU-09 and EU-10 as follows:
 - (i) Operate EU-09 and EU-10 for any combination of the purposes specified in 40 CFR 63.6640(f)(2)(i) through (iii) for a maximum of 100 hours per calendar year each. Any operation for non-emergency situations as allowed by 40 CFR 63.6640(f)(3) counts as part of allowed 100 hours per calendar year. [40 CFR 63.6640(f)(2)]
 - (ii) EU-09 and EU-10 may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours allowed by Condition No. II.B.5.b.ii. The 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity. [40 CFR 63.6640(f)(3)]
- b. Change oil and filter every 500 hours of operation or annually, whichever comes first. As an alternative, the Permittee may change the oil consistent with the oil analysis program at 40 CFR 63.6625(i) [Table 2c, Item 1 to 40 CFR Part 63, Subpart ZZZZ];
- c. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary [Table 2c, Item 1 to 40 CFR Part 63, Subpart ZZZZ];
- d. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary [Table 2c, Item 1 to 40 CFR Part 63, Subpart ZZZZ];
- e. During periods of startup, the Permittee must minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply [Table 2c, Item 1 to 40 CFR Part 63, Subpart ZZZZ];
- g. Operate and maintain each engine according to the manufacturer's emission-related operation and maintenance instructions; or develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control

practice for minimizing emissions [Table 6, Item 9 to 40 CFR Part 63, Subpart ZZZZ];

Condition II.B.12. The Permittee must have a one-time energy assessment performed by a qualified energy assessor pursuant to the requirements of 40 CFR part 63, subpart DDDDD, Table 3.

Condition II.B.13. The Permittee must conduct a tune-up of the boilers biennially pursuant to the requirements of 40 CFR part 63, subpart DDDDD, Table 3.

Condition II.B.14.

The Permittee must establish a minimum dry sorbent injection rate as defined in 40 CFR 63.7575 and develop an operating limit pursuant to Table 7, Item 2b requirements. The monitoring system for the dry sorbent injection rate must meet the requirements in 40 CFR 63.7525(i)(1) and (2). [40 CFR 63.7525(i)]

- a. In the alternative, the permittee may establish an alternative site-specific maximum SO₂ emission rate according to §63.7530(b) and operate an SO₂ CEMS pursuant to 40 CFR 63.7525(m).
- b. In the alternative, the permittee may install, operate and maintain an HCl CEMS pursuant to 40 CFR 63.7540(a)(15).
- c. The Permittee is instructed to comply with applicable requirements for preconstruction review pursuant to 40 CFR part 49.151-167 for any new equipment installation.

40 CFR Part 63, Subpart DDDDD, Tables 4 and 7; 40 CFR 63.7500(a); 40 CFR 63.7525(l)(2), 40 CFR 63.7525(l)(8); 40 CFR 63.7525(m); 40 CFR 63.7530(b); 40 CFR part 49.151-167]

Condition II.B.15.

To comply with emission and operating requirements for mercury, the Permittee must install, operate and maintain a mercury CEMS according to 40 CFR 63.7540(a)(14).

- a. In the alternative, the Permittee may establish and maintain a minimum activated carbon injection rate, as defined in 40 CFR 63.7575; or a maximum boiler operating load according to 40 CFR 63.7520(c), and develop an operating limit pursuant to Table 4 and Table 7 requirements.
- b. The Permittee must comply with applicable requirements for preconstruction review pursuant to 40 CFR part 49.151–167 for any new equipment installation.

[40 CFR Part 63, Subpart DDDDD, Tables 4 and 7; 40 CFR 63.7500(a); 40 CFR 63.7530(b), 40 CFR 63.7540(a)(14), 40 CFR 63.7525(l)(2); 40 CFR 63.7525(l)(8); 40 CFR part 49.151-167]

Condition II.B.16

The Permittee must comply with the fuel analysis requirements for emissions of HCl and

Mercury pursuant to 40 CFR Part 63, Subpart DDDDD, Table 6 if not operating a Mercury CEMS for compliance with Mercury limits or an HCl or SO₂ CEMS for compliance with HCl limits. [40 CFR 63.7521; 40 CFR 63.7525(l)(8)]

Condition II.B.17. Additional requirements for Hydrated Lime Delivery System Pursuant to 40 CFR 49.153(a)(2) Minor NSR in Indian Country [PSD permit SE 87-01 Condition XI]

<u>Emission Unit</u>	<u>Description</u>
<u>EU-11</u>	<u>Hydrated Lime Storage Silo (with fabric filter)</u>
<u>EU-13</u>	<u>Hydrated Lime Truck Traffic</u>

a. Emissions Limitations and Work Practice Standards

- i. Vehicle miles traveled (VMT) for truck traffic associated with deliveries of hydrated lime (EU-13) to the permitted source shall not exceed 280 miles per 12-month period.
- ii. Annual delivery and usage of hydrated lime shall not exceed 2365 tons per 12-month period.

b. Monitoring and Testing Requirements

- i. The Permittee shall monitor on a monthly basis each delivery of hydrated lime (in tons) and the VMT for each delivery.
- ii. At least once per calendar month, the permittee shall inspect the interior and exterior of the fabric filters of EU-11 for evidence of damage or leaks and take appropriate corrective actions to restore filters to proper operation before resuming normal operations.

c. Recordkeeping and Reporting Requirements

- i. The Permittee shall maintain records on a monthly basis of each delivery related to hydrated lime, including the tons of hydrated lime delivered and VMT for each delivery, and determine the 12-month rolling total for each.

The permittee shall maintain records of the dates and results of each filter inspection performed pursuant to Condition II.B.19.b.ii and any corrective actions taken as a result of the required inspections shall be recorded.

Condition II.C.1. Annual source test requirement was updated with the following language pursuant to Subpart DDDDD, 40 CFR 63.7515(a): *Annual performance tests for PM, HCl, and mercury must be completed no more than 13 months after the previous test, except as specified in 40 CFR 63.7515(b), (c) and (g).*

Condition II.C.2.b. Performance tests for the emissions of PM shall be conducted using EPA Methods 1-4 (for general source test requirements; Method 5 or 17 (positive pressure fabric filters must use Method 5D), and Method 19 (for F-factor methodology). [40 CFR

Part 63, Subpart DDDDD, Table 5]

Condition II.C.2.d. Performance tests for the emissions of CO shall be conducted using EPA Methods 1-4 and 10.

Condition II.C.2.f. Performance tests for the emissions of HCl shall be conducted using EPA Methods 1-4 (for general source test requirements); Method 26 or 26A (to measure HCl concentration); and Method 19 (for F-factor methodology at 40 CFR part 60, appendix A-7). [40 CFR Part 63, Subpart DDDDD, Table 5]

Condition II.C.2.g. Performance tests for the emissions of Mercury shall be conducted using EPA Methods 1-4 (for general source test requirements); Methods 29, 30A, 30B, Method 101A, or ASTM Method D6784 (to measure mercury concentration); and Method 19 (for F-factor methodology). [40 CFR Part 63 Subpart DDDDD, Table 5]

Condition II.C.22. The Permittee must develop a site-specific monitoring plan and obtain monitoring data according to 40 CFR 63.7535 for each continuous monitoring systems that is not operated pursuant to 40 CFR part 60 appendix B requirements and used to demonstrate compliance with any applicable Subpart DDDDD emission limit through performance testing and subsequent compliance with operating limits. [40 CFR 63.7505(d) and 40 CFR 63.7535]

Condition II.C.23 The Permittee must demonstrate continuous compliance with applicable Subpart DDDDD Table 8 requirements. [40 CFR Part 63, Subpart DDDDD, Table 8. [40 CFR 63.7540]

Condition II.C.24 To comply with the requirements of 40 CFR 64.7 and maintain continuous compliance with the PM₁₀ emission limit in II.A.4 and the opacity limit in II.A.7, the Permittee shall maintain and operate a continuous opacity monitoring system that continuously measures the stack gas opacity in Boilers 1 and 2. An excursion of the PM₁₀ emission limit shall be defined as an opacity reading that exceeds the average hourly opacity reading of 7.5%. An excursion of the PM₁₀ and/or opacity limit shall be defined as an hourly average that exceeds 7.5%. The monitoring system shall be calibrated to alarm when an excursion occurs which will trigger the need for the following corrective action steps::

- a. Immediate investigation into the cause of the alarm.
- b. If at any time during the corrective action steps in Condition II.C.24, the stack gas opacity exceeds the 10% limit in Condition II.A.7, the Permittee shall immediately shut down the boiler(s) and associated fabric filter(s) and report any permit deviation pursuant to Condition III.C.
- c. Maintenance or replacement of the fabric filter component(s).

- d. Return of units to normal operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.
- e. Reporting and recordkeeping pursuant to section II.D and II.E of this permit and appropriate facility wide reporting in accordance with section III.C.1 of this permit.

Condition II.D.9. The Permittee shall maintain a log of continuous opacity monitoring data and submit the most recent six months of data to EPA in the semi-annual monitoring reports required by condition III.C.1. [40 CFR 64.9(b)]

Condition II.D.11. The Permittee shall maintain records for the boilers comprising EU-01 according to 40 CFR 63.7555(a)(1) and (2), (b), (c), and (d) and according to Table 8 of 40 CFR Part 63, Subpart DDDDD. The Permittee must maintain such records according to 40 CFR 63.7560. [40 CFR 63.7540(a)(2), 40 CFR 63.7555]

Condition II.E.10. The Permittee shall submit semiannual compliance reports required pursuant to 40 CFR part 63, Subpart DDDDD, Table 9 and according to the procedures in 40 CFR 63.7550(h)(1) through (3). [40 CFR 63.7550]

Condition II.E.11. The Permittee shall submit the applicable notifications to the EPA in 40 CFR 63.7(b) and (c); 40 CFR 63.8(e), (f)(4), and (6); 40 CFR 63.9(b) through (h); and 40 CFR 63.7545(g) and (h). [40 CFR 63.7545]

Condition II.H.1. Permit Shield

1. Pursuant to 40 CFR 71.6(f), the EPA expressly states that a Permit Shield is incorporated herein that incorporates the applicable requirements of 40 CFR part 63 subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters ("Subpart DDDDD"), specifically Table 4 - Operating Limits for Boilers and Process Heaters, Item No. 3; Table 7 - Establishing Operating Limits, Item No. 1c.; and Table 8 - Demonstrating Continuous Compliance, Item 1. Compliance with Conditions II.A.7, II.C.18, II.C.24, II.D.4 and II.D.9 of this permit shall be deemed compliance with Subpart DDDDD Table 4 - Operating Limits for Boilers and Process Heaters, Item No. 3; Table 7 - Establishing Operating Limits, Item No. 1c.; and Table 8 - Demonstrating Continuous Compliance, Item 1. The EPA warrants that all applicable Subpart DDDDD, Table 4, Item 3 requirements are specifically included and identified in this permit.

The EPA also expressly states that non-applicable requirements include the provisions at 40 CFR 63.6640(f)(1).

2. Nothing in this permit shall alter or effect the following [40 CFR 71.6(f)(3)]:
 - a. The provisions of section 303 of the Clean Air Act (emergency orders), including

- the authority of the Administrator under that section.
- b. The liability of an owner or operator for any violation of applicable requirements prior to or at the time of permit issuance.
 - c. The applicable requirements of the acid rain program, consistent with section 408(a) of the Clean Air Act.

9.3 Facility-Wide or Generic Permit Conditions – Section III

This section contains applicable requirements that are required of all part 71 facilities pursuant to the provisions at 40 CFR 71.6(a).

9.4 Title V Administrative Requirements – Section IV

This section contains title V administrative requirements such as payment of fees, permit actions, and emergency provisions. Important updates to part 71 fee payment information is included in this section.

Table 9-1 Subpart Db NO_x Emission Limits

Authority	Fuel(s) Used	NO_x Emission Limit
40 C.F.R. 60.44b(a)	Natural gas only	43 ng/J (or 0.10 lb/MMBtu) heat input
40 C.F.R. 60.44b(a)	Petroleum coke only	260 ng/J (or 0.60 lb/MMBtu) heat input
40 C.F.R. 60.44b(b)	Petroleum coke and natural gas	see formula in 40 CFR 60.44b(b)
40 C.F.R. 60.44b(c)	(Coke and wood) or (coke, wood and gas)	see formula in 40 CFR 60.44b(b)
40 C.F.R. 60.44b(d)	Wood and natural gas	130 ng/J (0.30 lb/MMBtu) heat input

Table 9-2. Monitoring in the Title V permit

Requirement	Monitoring in Underlying Requirement
SO ₂ : 12.0 lb/hr, 27 ppm	CEMS, annual source test
90% SO ₂ reduction, 520 ng/J (1.2 lb/MMBtu)	CEMS, annual source test
PM-10: 0.006 gr/dscf at 12% CO ₂ or 3.9 lbs/hr per boiler (3-hr average)	annual source test
PM: 43 ng/J (0.10 lb/MMBtu)	annual source test
opacity: 7.5% (CAM corrective action limit)	COMS
opacity: 10% (3-min avg)	COMS
opacity: 10% or highest hourly average (daily block) measured during performance testing	COMS
Opacity: 20% (6-min avg)	COMS
CO: 45.0 lb/hr, 231 ppm, 320 ppm	CEMS, annual source test
NO _x : 30.0 lb/hr, 94 ppm, 648 lb/day	CEMS, annual source test
NO _x : NSPS limits of 43 ng/J (wood), 260 ng/J (coke), 130 ng/J (wood and gas), formula for coke + other	CEMS
HC: 5.9 lb/hr	annual source test
Emergency generator (EU-09): 200 hour/yr operation (Condition II.B.5.a)	recordkeeping
Emergency generator (EU-09): 100 hour/yr operation (Condition II.B.5.b)	recordkeeping
Fire Pump (EU-10): 200 hour/yr operation (Condition II.B.5.a)	recordkeeping
Fire Pump (EU-10): 100 hour/yr operation (Condition II.B.5.b)	recordkeeping
HCl: .022 lb per MMBtu	HCl CEMS, SO ₂ CEMS or Dry Sorbent Injection Rate
Mercury: 5.7E-06 lb per MMBtu	Mercury CEMS, Carbon Injection Rate, or Mercury stack testing and unit specific limit for maximum operating load

10 Permit Shield

The permit shield (see Condition II.H.1 above), as specified in 40 CFR 71.6(f), is a provision that is included in many part 71 permits. A permit shield should not be confused with the application shield (often referred to as a permit shield) provisions of 40 CFR 71.7(c)(ii). As stated in 40 CFR 71.6(f), EPA, as the permitting authority “may expressly include in a part 71 permit a provision stating that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

- (i) Such applicable requirements are included and are specifically identified in the permit; or
- (ii) The permitting authority, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.”

A permit shield, pursuant to 40 CFR 71.6(f), is used specifically in this final action in order to streamline one overlapping requirement between Subpart DDDDD and current permit conditions. Pursuant to Subpart DDDDD, Table 4 (Item No. 3), DVP may either:

Option A. Maintain opacity to less than or equal to 10 percent opacity or the highest hourly average opacity reading measured during the performance test run demonstrating compliance with the PM emission limitation; or

Option B. Install and operate a bag leak detection system according to §40 CFR 63.7525(j) and operate the fabric filter such that the bag leak detection system alert is not activated more than 5 percent of the operating time during each 6-month period.

DVP is already subject to a 10% opacity standard and a 0.006 gr/dscf grain loading limit as part of both its PSD and part 71 operating permits. As such, DVP submitted a Compliance Assurance Monitoring (CAM) plan pursuant to 40 CFR part 64 for the 0.006 gr/dscf limit in its part 71 permit.⁸ DVP’s CAM plan proposed the use of a Continuous Opacity Monitoring System (COMS) that EPA accepted and has finalized requirements in-line with this submittal. To avoid duplication of limitations and requirements, DVP selected *Option A* above and requested that EPA streamline the requirements between Subpart DDDDD, Table 4 (Item No. 3) and its current permit limitations.⁹ EPA will require only the most stringent of the limitations and monitoring requirements.¹⁰ DVP choose *Option A* above and requested streamlining, and such, pursuant to 71.6(f) requirements EPA accepts the use of its current CAM plan and permit limitations as compliance with the Boiler MACT. Specifically, EPA has determined that compliance with

⁸ DVP Revised CAM Plan, dated July 30, 2005 (DVP Renewal Application, Addendum #1)

⁹ EPA Email to EPA electing Option b, June 25, 2020.

¹⁰ EPA Guidance Memorandum, *White Paper Number 2 for Improved Implementation of The Part 70 Operating Permits Program*, March 5, 1996.

Conditions II.A.7, II.C.18, II.C.24, II.D.4 and II.D.9 of this final permit shall be deemed compliance with Subpart DDDDD Table 4 - Operating Limits for Boilers and Process Heaters, Item No. 3; Table 7 - Establishing Operating Limits, Item No. 1c.; and Table 8 - Demonstrating Continuous Compliance, Item 1.

EPA is also using the provisions of the permit shield to state that non-applicable requirements include the provisions at 40 CFR 63.6640(f)(1), which states “there is no time limit on the use of emergency stationary RICE in emergency situations.” PSD Condition IX.D.6 limits emergency engine use to 200 hours per year, therefore the provisions of 40 CFR 63.6640(f)(1) does not apply to DVP.

11 Endangered Species Act

Under section 7(a)(2) of the Endangered Species Act (ESA), federal agencies are required to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed, threatened, or endangered species, or destroy or adversely modify the designated critical habitat of such species. 16 U.S.C. § 1536(a)(2). The U.S. Fish and Wildlife Service and National Marine Fisheries Service have promulgated ESA implementing regulations at 50 CFR Part 402.

The CAA title V permit program requires the EPA to issue a permit specifically describing the permittee’s existing pollution control obligations under the CAA. A title V permit does not generally create any new substantive requirements, but rather simply incorporates all existing CAA requirements, called “applicable requirements,” into a single unified operating permit applicable to a particular facility. The title V permit EPA is issuing to Desert View Power does not authorize the construction of new emission units, or emission increases from existing units, nor does it otherwise authorize any physical modifications to the facility or its operations. The EPA has concluded that the permit appropriately incorporates all existing CAA requirements applicable to the facility. The EPA lacks discretion in this title V permitting decision to take action that could inure to the benefit of any listed species or their critical habitat. The EPA has also concluded that issuance of this permit will have no effect on any listed species or their critical habitat. Accordingly, this permit action is consistent with the requirements of ESA section 7.

This action also includes administrative amendments to the PSD permit for DVP. These amendments are intended to consolidate past permitting actions and correct minor errors. There are no changes to the facility, or its operations, associated with these amendments. Therefore, the EPA has determined that the changes will have no effect on any listed species, or their critical habitat.

12 Environmental Justice

Environmental Justice (“EJ”) is one factor that the EPA considers when taking an action, such as making an Approval decision. This is done in accordance with Presidential Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, which was issued on February 11, 1994. The main goal of the Executive Order is to ensure that federal agencies identify and address, as appropriate, any disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority or low-income populations. This permit renewal does not allow or authorize additional air pollution from existing units, and will not result in additional health impacts.

13 Public Comment Period

In accordance with 40 CFR 71.11(d)(2), a 30-day public comment period for this action began on July 6, 2020 and ended on August 5, 2020. One set of public comments was received from DVP, and no requests for a public hearing were received. In accordance with 40 CFR 71.11(j), the EPA prepared a response to comments, which identifies provisions of the proposed permit that were changed in response to the comments received and the reasons for the changes. This response to comments document is available in the docket for the final action [Docket ID: EPA-R09-OAR-2020-0266] as well as Appendix D of this statement of basis.

14 Conclusion and Final Action

Pursuant to 40 CFR 71.11 (k), after a consideration of the application, proposed permit, response to comments, statement of basis, and all other supporting materials, the EPA is issuing a final part 71 permit renewal and administrative amendment to the PSD permit to DVP. The amended PSD permit will become effective 30 days after service of notice of the final permit decision. In accordance with 40 CFR 71.11 (l), the part 71 permit renewal becomes effective 30 days after permit issuance, unless a petition for review is filed with the EPA’s Environmental Appeals Board (EAB).

The administrative record for the final permit action, which consists of permit application, the proposed and final permit, response to comments, statement of basis, and all other supporting materials for the action are available through the EPA Region 9 website at: <https://www.epa.gov/caa-permitting/title-v-permits-epas-pacific-southwest-region-9#issued>, or at www.regulations.gov under Docket ID: EPA-R09-OAR-2020-0266.

15 Environmental Appeals Board

In accordance with 40 CFR 71.11(l), within 30 days after the EPA's final permit decision has been issued, any person who filed comments on the proposed permit may petition the EAB to review any condition of the permit decision. Any person who failed to file comments may petition for administrative review only to the extent that the changes from the proposed to the final permit or other new grounds were not reasonably ascertainable during the public comment period. The 30-day period within which a person may request review under this section begins with service of notice of the final permit decision, unless a later date is specified in that notice. A petition to the EAB is, under Section 307(b) of the Act, a prerequisite to seeking judicial review of the final agency action. For purposes of judicial review, final agency action occurs when we deny or issue a final permit and agency review procedures are exhausted. A final permit decision will be issued by the EPA following an appeal to the EAB as specified in 40 CFR 71.11(l).

An appeal to the Environmental Appeals Board for review of this permit decision must be filed no later than 30 days after issuance of the permit with the EAB. Information and instructions on submitting appeals to the EAB may be found at:

https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf.

APPENDIX A – Emissions Calculations

Summary Potential Emissions from Boilers

Potential to Emit, (tons per year)

Point Sources

	Wood-Fired Boilers
Carbon Monoxide (CO)	263
Nitrogen Oxides (Nox)	237
Particulates (PM)	34
Fine Particulates (PM10)	27
Fine Particulates (PM2.5)	25
Sulfur Dioxide (SO2)	105
Volatile Organic Compounds (VOC)	52
Lead (Pb)	1.52E-02
HAPs	68.8

Wood-fired Boiler PM10 and PM2.5 based on ratio provided in AP-42 Table 1.6-1

Wood fired boiler emissions based on the combustion of wood waste only. Total HAP emissions from diesel oil are less than total HAP emissions from wood waste in lb/MMBtu, so this is conservative.

DVP	
Wood-fired Boilers 1 and 2	
Emission Estimates from the Combustion of Wood Waste	

Boiler	MMBTU/hr	hours/year	Annual Heat Input (MMBTU/year)	Max % operation	Multiplier
Boiler 1	300	8760	2628000	100.0%	2.63E+06
Boiler 2	300	8760	2628000	100.0%	2.63E+06
Total	600	17520	5256000	--	5.26E+06

Table 5-1
Criteria Pollutant Emissions Inventory – Potential to Emit Basis
Amendments to Title V Permit to Operate Application –

Source	Criteria Pollutant	Emission Factor	Unit	Source	Multiplier	Unit	Emission (tpy)
Boiler 1	NO _x	648	lbs/day	Title V Permit to Operate CB-OP-99-01	365	MMBtu/year	118.3
Boiler 2	NO _x	648	lbs/day	Title V Permit to Operate CB-OP-99-01	365	MMBtu/year	118.3
						Total NO_x	236.5
Boiler 1	CO	30	lbs/hr	Title V Permit to Operate CB-OP-99-01	8,760	MMBtu/year	131.4
Boiler 2	CO	30	lbs/hr	Title V Permit to Operate CB-OP-99-01	8,760	MMBtu/year	131.4
						Total CO	262.8
Boiler 1	PM	3.9	lbs/hr	Title V Permit to Operate CB-OP-99-01	8,760	MMBtu/year	17.1
Boiler 2	PM	3.9	lbs/hr	Title V Permit to Operate CB-OP-99-01	8,760	MMBtu/year	17.1
						Total PM	34.2
Boiler 1	SO ₂	12	lbs/hr	Title V Permit to Operate CB-OP-99-01	8,760	MMBtu/year	52.6
Boiler 2	SO ₂	12	lbs/hr	Title V Permit to Operate CB-OP-99-01	8,760	MMBtu/year	52.6
						Total SO₂	105.1
Boiler 1	VOC	5.9	lbs/hr	Title V Permit to Operate CB-OP-99-01	8,760	MMBtu/year	25.8
Boiler 2	VOC	5.9	lbs/hr	Title V Permit to Operate CB-OP-99-01	8,760	MMBtu/year	25.8
						Total VOC	51.7

Note:

tpy = tons per year

NA = Not Applicable

Criteria pollutant emission limits apply when burning either wood or oil, or both.

The multiplier is calculated as MMBtu/hr X hours/year X Max % operation. The Max % operation is used here based on the permit limits on the monthly steam generation rate, used to represent the ratio of the actual operation level to the boiler operation capacity.

Emissions Factors for criteria pollutants are based on Title V permit limits and rated capacity of 300 MMBtu/Hour.

Table 5-2
Hazardous Air Pollutant Emissions Inventory – Potential to Emit while Combusting Boimass
Amendments to Title V Permit to Operate Application –

HAP	Emission Factor	Unit	Source	Multiplier	Unit	Emission (tpy)	emission (lb/yr)
Acetaldehyde	6.1E-05	lb/MMBtu	Wheelabrator Source Test 1991	5.26E+06	MMBtu/yr	0.161	322.272
Acrolein	7.8E-05	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.205	409.968
As	1.0E-06	lb/MMBtu	NCASI TB 858 Table 20B	5.26E+06	MMBtu/yr	0.003	5.256
Be	1.9E-06	lb/MMBtu	NCASI TB 858 Table 20B	5.26E+06	MMBtu/yr	0.005	9.9864
Benzene	2.1E-04	lb/MMBtu	Wheelabrator Source Test 1991	5.26E+06	MMBtu/yr	0.561	1122.52
Carbon Disulfide	1.3E-04	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.342	683.28
Carbon Tetrachloride	8.9E-07	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.002	4.67784
Cd	1.9E-06	lb/MMBtu	NCASI TB 858 Table 20B	5.26E+06	MMBtu/yr	0.005	9.9864
Chlorine	9.1E-04	lb/MMBtu	AP-42 Table 1.6-3, See Notes	5.26E+06	MMBtu/yr	2.404	4807.86
Chlorobenzene	1.7E-05	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.045	89.352
chloroform	3.1E-05	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.081	162.936
Co	1.9E-07	lb/MMBtu	NCASI TB 858 Table 20B	5.26E+06	MMBtu/yr	0.000	0.99864
Cr	6.0E-07	lb/MMBtu	NCASI TB 858 Table 20B	5.26E+06	MMBtu/yr	0.002	3.1536
Cr6+	4.9E-07	lb/MMBtu	NCASI TB 858 Table 20B	5.26E+06	MMBtu/yr	0.001	2.57544
Cumene	1.8E-05	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.047	94.608
Ethylbenzene	6.8E-06	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.018	35.7408
Formaldehyde	2.5E-04	lb/MMBtu	Wheelabrator Source Test 1991	5.26E+06	MMBtu/yr	0.670	1339.78
HCl	2.2E-02	lb/MMBtu	MACT Limit	5.26E+06	MMBtu/yr	57.816	115632
Hg	5.7E-06	lb/MMBtu	MACT Limit	5.26E+06	MMBtu/yr	0.015	29.9592
Methanol	8.3E-04	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	2.181	4362.48
MEK	9.1E-06	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.024	47.8296
Methyl isobutyl ketone	2.3E-05	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.060	120.888
Mn	1.5E-04	lb/MMBtu	NCASI TB 858 Table 20B	5.26E+06	MMBtu/yr	0.394	788.4
Naphthalene	1.6E-04	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.420	840.96
n-Hexane	2.9E-04	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.762	1524.24
Ni	2.9E-06	lb/MMBtu	NCASI TB 858 Table 20B	5.26E+06	MMBtu/yr	0.008	15.2424
Pb	5.8E-06	lb/MMBtu	NCASI TB 858 Table 20B	5.26E+06	MMBtu/yr	0.015	30.4848
Phenol	1.4E-05	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.037	73.584
Sb	4.2E-07	lb/MMBtu	NCASI TB 858 Table 20B	5.26E+06	MMBtu/yr	0.001	2.20752
Se	3.0E-06	lb/MMBtu	NCASI TB 858 Table 20B	5.26E+06	MMBtu/yr	0.008	15.768
Styrene	6.4E-04	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	1.682	3363.84
Toluene	2.9E-05	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.076	152.424
Trichloroethane-112	1.2E-04	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.315	630.72
Trichloroethylene	2.8E-05	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.074	147.168
Vinyl Chloride	1.8E-05	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.047	94.608
Xylene-m,p	1.1E-05	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.029	57.816
Xylene-o	1.7E-05	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.045	89.352
Total	2.6E-02	lb/MMBtu			Boilers	68.56	
Additional Applicable Emission Factors							
Acetophenone	3.7E-06	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.010	19.4472

Dibutylphthalate	3.3E-05	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.087	173.448
1,1,1-Trichloroethane	6.4E-05	lb/MMBtu	NCASI TB 858 Table 20A	5.26E+06	MMBtu/yr	0.168	336.384
Fluoranthene	5.2E-09	lb/MMBtu	Wheelabrator Source Test 1991	5.26E+06	MMBtu/yr	1.38E-05	0.02752
PCDD/PCDF	8.3E-11	lb/MMBtu	Wheelabrator Source Test 1991	5.26E+06	MMBtu/yr	2.17E-07	0.00043
Addition to Total	1.01E-04	lb/MMBtu				0.26	529.307
New Total	2.62E-02	lb/MMBtu				68.83	

Notes:

MMBtu/yr = million British thermal units per year

TB = Technical Bulletin

Emission factors for wood waste combustion

The multiplier is calculated as Number of boilers X MMBtu/hr X hours/year X Max % operation. The Max % operation is used here based on the permit limits on the monthly steam generation rate, used to represent the ratio of the actual operation level to the boiler operation capacity.

The HCl emission factor from NCASI potentially already includes chlorine emissions. However, AP-42 provides emissions for HCl and chlorine separately. Since there is a relationship between the amount of chlorine and the amount of HCl emitted, the ratio of Cl/HCl was used with the HCl emission factor from NCASI to develop the Chlorine emission factor used here.

Source test - Wheelabrator Shasta Energy Company, Boiler No. 1, 1991. Boiler No. 1 operated at 160,000 lb/hr during source test. Emission factor adjusted for ERP maximum steam production of 150,000 lb/hr, (150,000/160,000)

APPENDIX B – Final Part 71 Permit Renewal (Clean and Redline)

TITLE V PERMIT TO OPERATE

Permit No. CB-ROP 05-01

In accordance with the provisions of Title V of the Clean Air Act and 40 C.F.R. Part 71 and applicable rules and regulations,

Desert View Power, LLC

is authorized to operate air emission units listed herein and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit. Terms and conditions not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act.

If all proposed control measures and/or equipment are not installed and properly operated and maintained, this will be considered a violation of the permit.

This permit is valid for a period of five (5) years and shall expire after 11:59:59 p.m. on the date five years after the date of issuance unless a timely and complete renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration. The permit number cited above should be referenced in future correspondence regarding this facility.

Elizabeth J. Adams
Director, Air and Radiation Division
EPA Region IX

Abbreviations and Acronyms

AFS	AIRS Facility Subsystem
ARB	Air Resources Board
BTU	British thermal units
CAPCOA	California Air Pollution Control Officers Association
CEMS	continuous emissions monitoring system
CFR	Code of Federal Regulations
CO	carbon monoxide
CO ₂	carbon dioxide
COMS	continuous opacity monitoring system
CMS	continuous monitoring system
E _{ho}	hourly SO ₂ emission rate
EPA	U.S. Environmental Protection Agency
Es	sulfur dioxide emission rate
EU	emissions unit
gr/dscf	grains per dry standard cubic feet
H ₂ SO ₄	sulfuric acid
HC	hydrocarbon
HCl	hydrochloric acid or hydrogen chloride
HP	horsepower
hr	hour
Hz	hertz
J	joule
kW	kilowatt
lb	pound
MMBtu	million British thermal units
MWh	megawatt-hour
ng	nanograms
NO	nitrogen oxide or nitric oxide
NO ₂	nitrogen dioxide
NO _x	nitrogen oxides
NSPS	New Source Performance Standards
NSR	New Source Review
O ₂	oxygen
pA	pico amps
PM	particulate matter
PM ₁₀	particulate matter less than 10 microns in diameter
ppm	parts per million
%Ps	percent of sulfur dioxide emission rate
PSD	Prevention of Significant Deterioration
SCAQMD	South Coast Air Quality Management District
SO ₂	sulfur dioxide
TDF	tire-derived fuel
tpy	tons per year
VMT	vehicle miles traveled

TABLE OF CONTENTS

Cover Page	
Abbreviations and Acronyms	
I. Source Identification	4
I.A. General Information	4
I.B. Emission-Generating Units and Activities	5
II. Requirements for Specific Pollutants	6
II.A. Emission Limits	6
II.B. Work Practice and Operational Requirements	11
II.C. Monitoring and Testing Requirements	16
II.D. Recordkeeping Requirements	21
II.E. Reporting Requirements	22
II.F. Emission Mitigation Conditions	25
II.G. NSPS General Provisions	27
II.H. Permit Shield	31
II.I. Compliance Schedule and Progress Reports	32
III. Facility-Wide or Generic Permit Requirements	32
III.A. Testing Requirements	32
III.B. Recordkeeping Requirements	33
III.C. Reporting Requirements	34
III.D. Other Applicable Regulations	36
III.E. New Source Performance Standards	36
III.F. Chemical Accident Prevention	36
IV. Title V Administrative Requirements	36
IV.A. Payment of Fees and Reporting of Actual Emissions	36
IV.B. Blanket Compliance Statement	38
IV.C. Compliance Certifications	39
IV.D. Duty to Provide and Supplement Information	39
IV.E. Submissions	40
IV.F. Severability Clause	40
IV.G. Permit Actions	40
IV.H. Reopening for Cause	40
IV.I. Property Rights	41
IV.J. Inspection and Entry	41
IV.K. Emergency Provisions	41
IV.L. Transfer of Ownership or Operation	42
IV.M. Off Permit Changes	42
IV.N. Permit Expiration and Renewal	43
IV.O. Administrative Permit Amendments	43
IV.P. Minor Permit Modifications	44
IV.Q. Group Processing of Minor Permit Modifications	45
IV.R. Significant Permit Modifications	46
IV.S. Operational Flexibility - 502(b)(10) Changes	46
Attachment A	48

I. Source Identification

I.A. General Information

Parent Company name: Desert View Power, LLC

Parent Company Mailing Address: 62-300 Gene Welmas Drive

City: Mecca State: CA Zip: 92254

Plant Name: Desert View Power

Plant Location: 62-300 Gene Welmas Drive

City: Mecca State: CA

County: Riverside

EPA Region: 9

Reservation: Cabazon Reservation

Tribe: Cabazon Band of Mission Indians

Company Contact: Jim Robertson

Phone: (760) 262-1682

email: jrobertson@desertviewpower.com

Plant Manager/Contact: same

Phone: same

Responsible Official: Greg Cook

Phone: 916-596-2501

SIC Code: 4911

AFS Plant Identification Number: 06-065-00027

Description of Process: Biomass-fired power plant

I.B. Emission-Generating Units and Activities

Emission Unit I.D. No.	Unit Description	Associated Control Equipment	Control Equipment I.D. No.
EU-01	Boilers 1 & 2 Combustion Engineering Circulating Fluidized Bed Boilers, 300 million Btu/hr each, Siemens ABB VAX Turbine Generator, Total Net Electrical Output: 47 MW	Thermal de-NO _x system	01-C01
		Fabric Filter/Baghouse	01-C02
		Hydrated Lime/Dry Sorbent Injection System	01-C03
EU-03	Biomass fuel yard – wind erosion	Wind screens	03-C01
EU-04	Fuel hog and cyclone	Enclosure, Fabric Filter/Baghouse	04-C01
EU-05	Fuel stacker	Enclosure	05-C01
EU-06	Petroleum coke storage	Partial enclosed building	06-C01
EU-07	Fly Ash Storage Silo	Fabric Filter/Baghouse	07-C01
EU-08	Cooling tower	Drift controls	08-C01
EU-09	Emergency generator, Generac Model 32868-12688, 275 kW, 60 Hz, 440 HP	n/a	
EU-10	Fire pump, Cummins Model NT 855 F3, 290 HP	n/a	
EU-11	Hydrated Lime Storage Silo	Fabric Filter	11-C01
EU-13	Hydrated Lime Truck Traffic	n/a	
EU-14	Wood chips conveyor system	Partial covers and water sprays	14-C01

II. Requirements for Specific Pollutants

II.A. Emission Limits

SO₂ Limits

1. The Permittee shall not discharge or cause the discharge into the atmosphere SO₂ in excess of the more stringent of 12.0 lbs/hr per boiler or 27 ppm, dry, corrected to 3% O₂ (3-hour average). In addition, the Permittee shall not discharge or cause the discharge into the atmosphere SO₂ in excess of a rolling average of 70 tons/year calculated daily. [PSD permit SE 87-01 Condition IX.E]
2. The Permittee shall not cause to be discharged into the atmosphere from the boilers comprising EU-01 when fired on petroleum coke any gases that contain sulfur dioxide in excess of 10 percent (0.10) of the potential sulfur dioxide emission rate (90 percent reduction) and that contain sulfur dioxide in excess of 520 ng/J (or 1.2 lb/MMBtu).

Only the heat input (in J or MMBtu) supplied to the affected facility from the combustion of petroleum coke is counted under this section. No credit is provided for the heat input to the boilers from the combustion of natural gas, wood, municipal-type solid waste, or other fuels or heat input to the boilers from exhaust gases from another source, such as gas turbines, internal combustion engines, kilns, etc. [40 CFR 60.42b(a)]

3. Compliance with the emission limit and/or percent reduction requirement under Condition II.A.2 of this permit must be determined on a 30-day rolling average basis.
[40 CFR 60.42b(e)]

Particulate Matter Limits

4. The Permittee shall not discharge or cause the discharge of PM₁₀ in excess of the more stringent of 0.006 gr/dscf at 12% CO₂ or 3.9 lbs/hr per boiler (3-hour average) Compliance with this limit shall be demonstrated pursuant to Condition II.C.2 of this permit. [PSD permit SE 87-01 Condition IX.F]
5. The Permittee shall not cause to be discharged into the atmosphere from the boilers comprising EU-01 when fired on petroleum coke (alone or with other fuels) or wood (alone or with other fuels) any gases that contain particulate matter in excess of 43 ng/J (or 0.10 lb/MMBtu) heat input.
[40 CFR 60.43b(a) and (c)]
6. For each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of filterable PM in excess of 0.11 lb/MMBtu of heat input.
 - a. In the alternative, the Permittee may elect to comply with an output-based emission limitation for EU-01. In this case, for each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of filterable PM in excess of 0.14 lb/MMBtu of steam output (1.6 lb/megawatt-hour (MWh)). The Permittee should indicate whether it has elected to comply with this alternative emission limitation in reporting compliance with the limitation under Condition III.C.

[40 CFR 63.7500(a)(1); 40 CFR Part 63, Subpart DDDDD, Table 2, Item 9]

Opacity Limits

7. The Permittee shall not discharge or cause the discharge into the atmosphere from the boiler exhaust stack gases which exhibit an opacity of 10 percent or greater for any period or periods aggregating more than three minutes in any one hour [PSD permit SE 87-01 Condition IX.F]
8. For each boiler, the Permittee shall maintain opacity to less than or equal to 10 percent opacity or the highest hourly average (daily block average) opacity reading measured during the performance test run demonstrating compliance with Condition II.A.6. [40 CFR 63.7500; (40 CFR Part 63, Subpart DDDDD, Table 4, Item 3)]
9. The Permittee shall not cause to be discharged into the atmosphere from the boilers comprising EU-01 when fired on petroleum coke any gases that exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity. [40 CFR 60.43b(f)]

CO Limits

10. The Permittee shall not discharge or cause the discharge of CO in excess of the more stringent of 13.0 lbs/hr per boiler or 231 ppm, dry, corrected to 3% O₂ (3-hour average). [PSD permit SE 87-01 Condition IX.G]
11. For each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of CO in excess of 310 ppm by volume on a dry basis corrected to 3 percent oxygen, 30-day rolling average. Compliance with this limit shall be demonstrated by use of the Permittee's existing CO CEMS operated pursuant to Condition II.C.10.
 - a. In the alternative, the Permittee may elect to comply with an output-based emission limitation for EU-01. In this case, for each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of CO in excess of 4.6E-01 lb/MMBtu of steam output (5.2 lb/MWh) based on a 3-run average. Compliance with this limit shall be demonstrated by a use of the Permittee's existing CO CEMS operated pursuant to Condition II.C.10. The Permittee should indicate whether it has elected to comply with this alternative emission limitation in reporting compliance with the limitation under Condition III.C.

[40 CFR 63.7500(a)(1); 40 CFR Part 63, Subpart DDDDD, Table 2, Item 9]

NO_x Limits

12. The Permittee shall not discharge or cause the discharge into the atmosphere NO_x in excess of the more stringent of 30.0 lbs/hr per boiler or 94 ppm, dry, corrected to 3% O₂ (3-hour average). In addition, the Permittee shall not discharge or cause the discharge of NO_x in excess of 648 lbs/day per boiler for any calendar day. [PSD permit SE 87-01 Condition IX.H]
13. The Permittee shall not cause to be discharged into the atmosphere from the boilers comprising EU-01 any gases that contain NO_x (expressed as NO₂) in excess of the following limits [40 CFR 60.44b(a), (b), (c) and (d)]:

Fuel(s) Used	NO _x Emission Limit
--------------	--------------------------------

Natural gas only	43 ng/J (or 0.10 lb/MMBtu) heat input
Petroleum coke only	260 ng/J (or 0.60 lb/MMBtu) heat input
Petroleum coke and other fuel(s)	NO _x limit determined by the formula listed below
Wood and natural gas	130 ng/J (0.30 lb/MMBtu) heat input

When petroleum coke is burned along with another fuel or with a combination of fuels, the following formula shall be used to determine the required emission limit [40 CFR 60.44b(b) and 60.44b(c)]:

$$E_n = [(EL_g \times H_g) + (EL_c \times H_c)] / (H_g + H_c)$$

where:

E_n is the nitrogen oxides emission limit (expressed as NO₂), in units of ng/J or lb/MMBtu

EL_g is the NO_x emission limit from the above table in this permit condition for combustion of natural gas

H_g is the heat input from combustion of natural gas

EL_c is the NO_x emission limit from the above table in this permit condition for combustion of petroleum coke

H_c is the heat input from combustion of petroleum coke

14. Compliance with the nitrogen oxide emission limits in Condition II.A.13 of this permit shall be determined on a 30-day rolling average basis. A new rolling average emission rate is calculated for each steam generating unit operating day as the average of all of the hourly NO_x emission data for the preceding 30 steam generating unit operating days. [40 CFR 60.44b(i), 40 CFR 60.46b(c), 40 CFR 60.46b(e)(2) and (3)]

Hydrocarbon Limit

15. The Permittee shall not discharge or cause the discharge of hydrocarbons in excess of 5.9 lbs/hr per boiler (3-hour average). [PSD permit SE 87-01 Condition IX.I]

Hydrogen Chloride Limit

16. For each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of hydrogen chloride in excess of 0.022 lb per MMBtu of heat input. [40 CFR Part 63, Subpart DDDDD, Table 2]

Mercury Limit

17. For each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of mercury in excess of 5.7E-06 lb per MMBtu of heat input. [40 CFR Part 63, Subpart DDDDD, Table 2]

Startup, Shutdown and Malfunction Provisions

18. Startup, shutdown and malfunction conditions:

- a. The concentration limits (ppm) in Conditions II.A.1, II.A.10 and II.A.12 of this permit apply at all times except during conditions of startup, shutdown and malfunction of the plant boilers. [PSD permit SE 87-01 Condition IX.M]
- b. The emission limits and percent reduction requirements in Conditions II.A.2 and II.A.13 apply at all times including periods of startup, shutdown and malfunction. [40 CFR 60.42b(g), 40 CFR 60.45b(a), 40 CFR 60.44b(h), 40 CFR 60.46b(a)]
- c. The emission and opacity limits in Conditions II.A.5 and II.A.9, apply at all times except during conditions of startup, shutdown and malfunction. [40 CFR 60.43b(g), 40 CFR 60.46b(a)]
- d. For conditions derived from the PSD permit, startup is defined as the period of time during which the boiler is heated to operating temperature at a steady state load from a lower temperature, not to exceed 36 hours. If curing of refractory is required after repair or modifications, startup time shall not exceed 60 hours. Operating temperature indicating steady state load shall be indicated by the temperature at the outlet of the recycle cyclone reaching 1550 degrees Fahrenheit for a period of at least 5 minutes. [PSD permit SE 87-01 Condition IX.M]
- e. For conditions derived from the PSD permit, shutdown is defined as the period of time, not to exceed 8 hours, during which the boiler is allowed to cool from its operating temperature at steady-state load to a lower temperature. [PSD permit SE 87-01 Condition IX.M]
- f. The emission limits in Conditions II.A.6, II.A.13, II.A.15, and II.A.16 apply at all times, except for periods of startup and shutdown when the following conditions apply:
 - i. For startup:
 - 1. The Permittee must operate all continuous monitoring systems.
 - 2. If using Definition (1) of “startup” in §63.7575, the Permittee must use one or a combination of clean fuels vent emissions to the main stack and operate all applicable control devices, except the fabric filter/baghouse, and the dry sorbent and limestone injection system. The Permittee must start the dry sorbent and limestone injection system as expeditiously as possible. Startup ends when steam or heat is supplied for any purpose.
 - 3. If using Definition (2) of “startup” in §63.7575, once the Permittee begins to fire fuels other than clean fuels, the Permittee must vent emissions to the main stack(s) and engage all of the applicable control devices so as to comply with the emission limits within 4 hours of start of supplying useful thermal energy. The Permittee must engage and operate PM control within one hour of first feeding fuels that are not clean fuels or when necessary to comply with other applicable standards that require operation of the control devices. The Permittee must develop and implement a written startup and shutdown plan, as specified in §63.7505(e).
 - ii. For shutdown:
 - 1. The Permittee must operate all continuous monitoring systems

2. When firing fuels other than clean fuels, the Permittee must vent emissions to the main stack and operate all applicable control devices, except the fabric filter/baghouse, and the dry sorbent and limestone injection system, unless it is necessary to comply with other applicable requirements that require operation of the control device.
3. If in addition to the fuel used prior to initiation of shutdown, another fuel must be used to support the shutdown process, that additional fuel must be one or a combination of clean fuels.

iii. For startup and shutdown:

1. The Permittee must collect monitoring data, as specified in 40 CFR 63.7535(b).
2. The Permittee must keep records.
3. The Permittee must provide reports concerning activities and periods of startup and shutdown, as specified in 40 CFR 63.7555.

For the purposes of this condition, “startup” means:

Definition (1): The first-ever firing of fuel in a boiler or process heater for the purpose of supplying useful thermal energy for heating and/or producing electricity, or for any other purpose, or the firing of fuel in a boiler after a shutdown event for any purpose. Startup ends when any of the useful thermal energy from the boiler or process heater is supplied for heating, and/or producing electricity, or for any other purpose, or

Definition (2): The period in which operation of a boiler or process heater is initiated for any purpose. Startup begins with either the first-ever firing of fuel in a boiler or process heater for the purpose of supplying useful thermal energy (such as steam or heat) for heating, cooling or process purposes, or producing electricity, or the firing of fuel in a boiler or process heater for any purpose after a shutdown event. Startup ends four hours after when the boiler or process heater supplies useful thermal energy (such as heat or steam) for heating, cooling, or process purposes, or generates electricity, whichever is earlier.

For the purposes of this condition, “shutdown” means the period in which cessation of operation of a boiler is initiated for any purpose. Shutdown begins when the boiler no longer supplies useful thermal energy (such as heat or steam) for heating, cooling, or process purposes and/or generates electricity or when no fuel is being fed to the boiler, whichever is earlier. Shutdown ends when the boiler no longer supplies useful thermal energy (such as steam or heat) for heating, cooling, or process purposes and/or generates electricity, and no fuel is being combusted in the boiler.

For the purposes of this condition, “clean fuels” means natural gas, synthetic natural gas, propane, other Gas 1 fuels, distillate oil, syngas, ultra-low sulfur diesel, fuel oil-soaked rags, kerosene, hydrogen, paper, cardboard, refinery gas, liquefied petroleum gas, clean dry biomass, and any fuels meeting the appropriate HCl, mercury and TSM emission standards by fuel analysis.

[40 CFR 63.7575; 40 CFR 63 Part 63, Subpart DDDDD, Table 3, Items 5 and 6,]

19. When determining compliance with conditions derived from the NSPS (i.e., 40 CFR part 60), the following definitions apply [40 CFR 60.2]:

- a. “Affected facility” means, with reference to a stationary source, any apparatus to which a standard is applicable.
- b. “Malfunction” means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.
- c. “Startup” means the setting in operation of an affected facility for any purpose.
- d. “Shutdown” means the cessation of operation of an affected facility for any purpose.

II.B. Work Practice and Operational Requirements

1. The Permittee shall install, continuously operate and maintain the following air pollution controls to minimize emissions. Controls listed shall be fully operational upon startup of the proposed equipment. [PSD permit SE 87-01 Conditions IX.B.1 through 8]
 - a. Each boiler will exhaust to a fabric filter, using PTFE or teflon-laminated bags, for the control of particulate emissions.
 - b. Each boiler shall be equipped with a limestone injection and hydrated lime system for the control of SO₂, acid gas emissions (H₂SO₄ and HCl).
 - c. Each boiler shall be equipped with an ammonia injection system for the control of NO_x emissions.
 - d. The onsite fuel hog shall be wind enclosed for the control of particulate emissions.
 - e. The ash handling system shall be completely enclosed, and the ash storage silo equipped with a fabric filter, for the control of particulate emissions.
 - f. The cooling towers shall have drift controls installed to limit drift losses to 0.001 percent of the circulating water mass for the control of particulate emissions.
 - g. The Permittee shall install an enclosed petroleum coke storage facility; no open storage of petroleum coke shall be allowed.
2. Only natural gas, propane, or other such gas may be fired by the auxiliary burners. [PSD permit SE 87-01 Condition IX.D.1]
3. Treated wood or wood wastes, coal or coal byproducts and municipal solid waste other than wood waste, railroad ties, tire-derived fuel (TDF), and corrugated paper waste, shall not be used as a fuel by this facility. [PSD permit SE 87-01 Condition IX.D.2]
4. When wind speeds exceed 12 mph, the Permittee shall control particulate emissions from the fuel storage pile and from the ash storage pile through the use of regular watering. [PSD permit SE 87-01 Condition IX.D.5]
5. The Permittee shall meet the following requirements for the emergency generator (EU-9) and fire

pump (EU-10):

- a. Operation of the emergency generator (EU-09) and fire pump (EU-10) shall not exceed 200 hours per calendar year each nor use more than 22 gallons of diesel per hour per unit. [PSD permit SE 87-01 Condition IX.D.6]
- b. For the engine to be considered an emergency engine pursuant to applicable provisions of 40 CFR part 63, subpart ZZZZ, the Permittee must operate EU-09 and EU-10 as follows:
 - (i) Operate EU-09 and EU-10 for any combination of the purposes specified in 40 CFR 63.6640(f)(2)(i) through (iii) for a maximum of 100 hours per calendar year each. Any operation for non-emergency situations as allowed by 40 CFR 63.6640(f)(3) counts as part of allowed 100 hours per calendar year. [40 CFR 63.6640(f)(2)]
 - (ii) EU-09 and EU-10 may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours allowed by Condition No. II.B.5.b.ii. The 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity. [40 CFR 63.6640(f)(3)]
- c. Change oil and filter every 500 hours of operation or annually, whichever comes first. As an alternative, the Permittee may change the oil consistent with the oil analysis program at 40 CFR 63.6625(i) [Table 2c, Item 1 to 40 CFR Part 63, Subpart ZZZZ];
- d. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary [Table 2c, Item 1 to 40 CFR Part 63, Subpart ZZZZ];
- e. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary [Table 2c, Item 1 to 40 CFR Part 63, Subpart ZZZZ];
- f. During periods of startup, the Permittee must minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply [Table 2c, Item 1 to 40 CFR Part 63, Subpart ZZZZ];
- g. Operate and maintain each engine according to the manufacturer's emission-related operation and maintenance instructions; or develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions [Table 6, Item 9 to 40 CFR Part 63, Subpart ZZZZ];
- f. In order for the engine to be considered an emergency engine, the Permittee must operate the engine according to 40 CFR 63.6640(f)(1-3).

[40 CFR 63.6602; 40 CFR 63.6625(i); 40 CFR 63.6640(a); 40 CFR 63.6640(f); Table 2c, Item 1 to 40 CFR Part 63, Subpart ZZZZ; Table 6, Item 9 to 40 CFR Part 63, Subpart ZZZZ].

7. The Permittee shall comply at all times with the requirements of South Coast Air Quality Management District (SCAQMD) Rule 403 - Fugitive Dust - as required by the Monitoring & Enforcement Agreement (see Attachment A) to which the Permittee is a signatory. In addition, the Permittee shall comply with the following measures in order to minimize fugitive emissions from the ash storage pile [PSD permit SE 87-01 Condition IX.D.7]:
 - a. The total amount of ash stored at any one time shall not exceed 13,500 tons.
 - b. Prior to transfer from the silo to the storage area, ash shall be conditioned with water to prevent dust generation during filling of the transfer truck, movement to the storage area, and placement in storage.
 - c. The ash storage pile shall not exceed 15 feet in height.
 - d. During reclamation from storage for transport, offsite or otherwise, any disturbed ash shall be sprayed with water to prevent dust generation.
 - e. Prior to movement offsite, transfer trucks shall be water washed, if necessary, to remove loose ash. Exposed ash on any ash transfer truck shall be either wetted or fully covered with a tarp to prevent dust generation during transport.
8. The Permittee shall utilize quarterly a minimum of fifty percent (50%) biomass materials (by weight) as feedstock in its solids fuel supply for the Facility. In any event, the Permittee shall utilize fuel mix rates which allow the plant to continually meet all EPA and SCAQMD emission standards applicable to the Permittee pursuant to the Monitoring and Enforcement Agreement. [PSD permit SE 87-01 Condition IX.D.9]
9. Except as specified in Condition II.C.4 of this permit, the Permittee shall utilize in any two-consecutive calendar-year periods a minimum annual average of 60,000 bone-dry tons of a combination of agricultural crop residue waste and woody waste generated from sources in Riverside County located within the Coachella Valley. [PSD permit SE 87-01 Condition IX.D.10]
10. The boilers comprising EU-01 may combust natural gas to satisfy the sulfur dioxide emission limit in Condition II.A.3 of this permit when the sulfur dioxide control system is not being operated because of malfunction or maintenance of the sulfur dioxide control system. [40 CFR 60.42b(i)]
11. The Permittee shall not utilize on an hourly basis more than twenty percent (20%) each railroad ties, TDF, and corrugated paper waste calculated on an energy basis. In addition, the Permittee shall not utilize on an annual basis more than 15% each railroad ties, TDF, and corrugated paper waste calculated on an energy basis. [PSD permit SE 87-01 Condition IX.D.11]
12. The Permittee must have a one-time energy assessment performed by a qualified energy assessor pursuant to the requirements of 40 CFR Part 63, Subpart DDDDD, Table 3. [40 CFR 63.7510(e)]
13. The Permittee must conduct a tune-up of the boilers every five years pursuant to the requirements of 40 CFR Part 63, Subpart DDDDD, Table 3. [40 CFR 63.7540(a)(12)]
14. The Permittee must establish a minimum dry sorbent injection rate as defined in 40 CFR 63.7575 and develop an operating limit pursuant to Table 7, Item 2b requirements. The monitoring system for the dry sorbent injection rate must meet the requirements in 40 CFR 63.7525(i)(1) and (2). [40 CFR 63.7525(i)]

- a. In the alternative, the Permittee may establish an alternative site-specific maximum SO₂ emission rate according to §63.7530(b) and operate an SO₂ CEMS pursuant to 40 CFR 63.7525(m).
- b. In the alternative, the Permittee may install, operate and maintain an HCl CEMS pursuant to 40 CFR 63.7540(a)(15).
- c. The Permittee is instructed to comply with applicable requirements for preconstruction review pursuant to 40 CFR part 49.151-167 for any new equipment installation.

[40 CFR Part 63, Subpart DDDDD, Tables 4 and 7; 40 CFR 63.7500(a); 40 CFR 63.7525(l)(2), 40 CFR 63.7525(l)(8); 40 CFR 63.7525(m); 40 CFR 63.7530(b); 40 CFR part 49.151-167]

15. To comply with emission and operating requirements for mercury, the Permittee must either install, operate and maintain a Mercury CEMS according to 40 CFR 63.7540(a)(14); or
 - a. In the alternative, the Permittee may establish and maintain a minimum carbon injection rate as defined in 40 CFR 63.7575 and develop an operating limit pursuant to Table 7, Item 3 requirements.
 - b. The Permittee is instructed to comply with applicable requirements for preconstruction review pursuant to 40 CFR part 49.151–167 for any new equipment installation.

[40 CFR Part 63, Subpart DDDDD, Tables 4 and 7; 40 CFR 63.7500(a); 40 CFR 63.7530(b), 40 CFR 63.7540(a)(14), 40 CFR 63.7525(l)(2); 40 CFR 63.7525(l)(8); 40 CFR part 49.151-167]

16. The Permittee must comply with the fuel analysis requirements for emissions of HCl and Mercury pursuant to 40 CFR Part 63, Subpart DDDDD, Table 6 if not operating a Mercury CEMS for compliance with Mercury limits or an HCl or SO₂ CEMS for compliance with HCl limits. [40 CFR 63.7521; 40 CFR 63.7525(l)(8)]
17. Additional requirements for Hydrated Lime Delivery System Pursuant to 40 CFR 49.153(a)(2) Minor NSR in Indian Country [PSD permit SE 87-01 Condition XI]

Emission Unit	Description
EU-11	Hydrated Lime Storage Silo (with fabric filter)
EU-13	Hydrated Lime Truck Traffic

- a. Emissions Limitations and Work Practice Standards
 - i. Vehicle miles traveled (VMT) for truck traffic associated with deliveries of hydrated lime (EU-13) to the permitted source shall not exceed 280 miles per 12-month period.
 - ii. Annual delivery and usage of hydrated lime shall not exceed 2365 tons per 12-month period.

- b. Monitoring and Testing Requirements
 - i. The Permittee shall monitor on a monthly basis each delivery of hydrated lime (in tons) and the VMT for each delivery.
 - ii. At least once per calendar month, the Permittee shall inspect the interior and exterior of the fabric filters of EU-11 for evidence of damage or leaks and take appropriate corrective actions to restore filters to proper operation before resuming normal operations.
- c. Recordkeeping and Reporting Requirements
 - i. The Permittee shall maintain records on a monthly basis of each delivery related to hydrated lime, including the tons of hydrated lime delivered and VMT for each delivery, and determine the 12-month rolling total for each.
 - ii. The Permittee shall maintain records of the dates and results of each filter inspection performed pursuant to Condition II.B.17.b.ii and any corrective actions taken as a result of the required inspections shall be recorded.

II.C. Monitoring and Testing Requirements

1. Annually, and at such other times as specified by EPA, the Permittee shall conduct performance tests for NO_x, SO₂, PM, PM₁₀, CO, hydrocarbon, HCl, and mercury emissions from the boilers comprising EU-01 and furnish EPA a written report of the results of such tests. The tests for NO_x, SO₂, PM₁₀ and CO shall be conducted at the maximum operating capacity of the facility being tested. Upon written request (Attn: Air Section, ENF-2-1) from the Permittee, EPA may approve the conducting of performance tests at a lower specified production rate. After initial performance tests and upon written request and adequate justification from the Permittee, EPA may waive a specified annual test for the biomass-fired facility. Annual performance tests for PM, HCl, and mercury must be completed no more than 13 months after the previous test, except as specified in 40 CFR 63.7515(b), (c) and (g). [PSD permit SE 87-01 Condition IX.C.1, 40 CFR 71.6(c), 40 CFR 63.7515(a)]
2. Performance tests for the emissions of NO_x, SO₂, PM, PM₁₀, CO, hydrocarbons, HCl, and mercury as required by Condition II.C.1 of this permit shall be conducted and the results reported in accordance with Condition II.E.6 [PSD permit SE 87-01 Condition IX.C.2, 40 CFR 71.6(c)]:
 - a. Performance tests for the emissions of SO₂ shall be conducted using EPA Test Methods 1-4 and 8.
 - b. Performance tests for the emissions of PM shall be conducted using EPA Test Methods 1-4 (for general source test requirements; Method 5 or 17 (positive pressure fabric filters must use Method 5D), and Method 19 (for F-factor methodology). [40 CFR Part 63, Subpart DDDDD, Table 5]
 - c. Performance tests for the emissions of PM₁₀ shall be conducted using EPA Test Methods 1-4 and Method 5 and 201A.
 - d. Performance tests for the emissions of CO shall be conducted using EPA Test Methods 1-4 and 10.
 - e. Performance tests for the emissions of NO_x shall be conducted using EPA Test Methods 1-4 and 7.
 - f. Performance tests for the emissions of HCl shall be conducted using EPA Test Methods 1-4 (for general source test requirements); Method 26 or 26A (to measure HCl concentration); and Method 19 (for F-factor methodology). [40 CFR Part 63, Subpart DDDDD, Table 5]
 - g. Performance tests for the emissions of Mercury shall be conducted using EPA Test Methods 1-4 (for general source test requirements); Methods 29, 30A, 30B, Method 101A, or ASTM Method D6784 (to measure mercury concentration); and Method 19 (for F-factor methodology). [40 CFR Part 63, Subpart DDDDD, Table 5]
3. The EPA (Attn: Air Section, ENF-2-1) shall be notified in writing at least 60 days prior to the tests described in Condition II.C.2 of this permit to allow time for the development of an approvable performance test plan and to arrange for an observer to be present at the test. Such prior approval shall minimize the possibility of EPA rejection of test results for procedural deficiencies. In lieu of

the above-mentioned test methods, equivalent methods may be used with prior written approval from the EPA. [PSD permit SE 87-01 Condition IX.C.2 and 40 CFR 63.7545(d)]

4. For performance test purposes, sampling ports, platforms and access shall be provided by the Permittee on the boiler exhaust systems in accordance with 40 CFR 60.8(e). [PSD permit SE-87-01 Condition IX.C.3]
5. Periodic fuel sampling shall be done to ensure compliance of fuel with permit conditions. This condition may be satisfied by the fuel monitoring specified by this permit. [PSD permit SE 87-01 Condition IX.D.3]
6. The Permittee shall retest emissions of toxic pollutants while burning combined fuels each time EPA in consultation with SCAQMD determines that its fuel composition may cause health risks to exceed the acceptable thresholds. All retest results shall also be submitted to the Cabazon Band, EPA and SCAQMD. [PSD permit SE-87-01 Condition IX.D.8]
7. To determine compliance with the minimum annual feedstock requirement in Condition II.B.7 of this permit, the Permittee shall submit to the Cabazon Band and Riverside County accurate records on a calendar quarter basis. [PSD permit SE 87-01 Condition IX.D.9]
8. To determine compliance with the minimum annual average tonnage requirement in Condition II.B.7 of this permit, the Permittee shall submit to Riverside County and the Cabazon Band accurate records on a calendar quarter basis. In the event the Permittee documents, and Riverside County verifies, that the biomass fuel supply in the Coachella Valley is unavailable, does not meet the Permittee's quality requirements, or is priced non-competitively with respect to other available biomass sources, the Permittee may satisfy the bone-dry tonnage requirement by utilizing biomass tonnage documented by it to have been generated within other areas of Riverside County. [PSD permit SE 87-01 Condition IX.D.10]
9. The Permittee shall install, maintain and operate the following continuous monitoring systems in each boiler exhaust stack [PSD permit SE 87-01 Condition IX.J.1; 40 CFR 60.47b(a); 40 CFR 60.48b(a); 40 CFR 60.48b(b)(1); 40 CFR 63.7525(a); 40 CFR 60.13 and 40 CFR 60, Appendix B, Performance Specifications 2, 3 and 4]:
 - a. Continuous monitoring systems to measure stack gas SO₂, CO and NO_x concentrations as well as oxygen levels. The system shall meet EPA monitoring performance specifications and the requirements at 40 CFR 63.7525 (a)(1)-(6) for the continuous monitoring of CO and oxygen.
 - i. In the alternative, to the Permittee may develop an operating limit for oxygen and install, maintain and operate a continuous oxygen analyzer and develop a site-specific monitoring plan pursuant to the provisions at 40 CFR 63.7575 and 63.7505(d)(1)-(6).
 - b. A continuous monitoring system to measure stack gas volumetric flow rates. The system shall meet EPA performance specifications (40 CFR 52, Appendix E).
 - c. A continuous opacity monitoring system that continuously measures the stack gas opacity. The system shall meet EPA monitoring performance specifications (40 CFR 60.13 and 40 CFR 60, Appendix B, Performance Specification 1).

10. The Permittee shall conduct performance tests annually to determine compliance with the percent of sulfur dioxide emission rate (%Ps) and the sulfur dioxide emission rate (Es) found in Condition II.A.3 of this permit following the procedures listed below [40 CFR 60.45b(c)]:
 - a. If only petroleum coke is combusted, the procedures found in 40 CFR 60.45b(c)(2) shall be used. [40 CFR 60.45b(c)(2)]
 - b. If petroleum coke is combusted with other fuels, the procedures found in 40 CFR 60.45b(c)(3) and 60.45b(c)(4) shall be used. [40 CFR 60.45b(c)(3), 60.45b(c)(4)]
11. Compliance with the sulfur dioxide emission limits and percent reduction requirements under Condition II.A.2 of this permit shall be based on the average emission rates and the average percent reduction for sulfur dioxide for 30 successive steam generating unit operating days. A separate performance test is completed at the end of each steam generating unit operating day after the initial performance test, and a new 30-day average emission rate and percent reduction for sulfur dioxide are calculated to show compliance with the standard. [40 CFR 60.45b(g)]
12. Except when burning only natural gas, the Permittee shall use all valid sulfur dioxide emissions data in calculating % P_s and E_{ho} under 40 CFR 60.45b(c) whether or not the minimum emissions data requirements under 40 CFR 60.46b are achieved. All valid emissions data, including valid sulfur dioxides emission data collected during periods of startup, shutdown and malfunction, shall be used in calculating % P_s and E_{ho} pursuant to Condition II.C.10 of this permit. [40 CFR 60.45b(h)]
13. During periods of malfunction or maintenance of the sulfur dioxide control systems when natural gas is combusted as provided under 40 CFR 60.42b(i), emissions data must be used to determine compliance with the sulfur dioxide emission limit in Condition II.A.3 of this permit. [40 CFR 60.45b(i)]
14. Compliance with the particulate matter emission standards in Condition II.A.5 of this permit shall be determined through annual performance testing using the test methods and procedures described in 40 CFR 60.46b(d). [40 CFR 60.46b(b)]
15. In order to demonstrate compliance with the sulfur dioxide emission standard of Condition II.A.2 of this permit, the Permittee shall obtain emission data for at least 75 percent of the operating hours in at least 22 out of 30 successive boiler operating days. If this minimum data requirement is not met with a single monitoring system, the Permittee shall supplement the emission data with data collected with other monitoring systems as approved by the Administrator. [40 CFR 60.47b(c)]
16. The 1-hour average sulfur dioxide emission rates measured by the CEMS required by 40 CFR 60.47b(a) and 40 CFR 60.13(h) is expressed in ng/J or lb/million Btu heat input and is used to calculate the average sulfur dioxide emission rates in Condition II.A.2 of this permit. Each 1-hour average sulfur dioxide emission rate must be based on more than 30 minutes of steam generating unit operation and include at least 2 data points with each representing a 15-minute period. Hourly sulfur dioxide emission rates are not calculated if the facility is operated less than 30 minutes in a 1-hour period and are not counted toward determination of a steam generating unit operating day. [40 CFR 60.47b(d)]
17. The procedures under 40 CFR 60.13 shall be followed for installation, evaluation, and operation of the sulfur dioxide CEMS. [40 CFR 60.47b(e)]

- a. All CEMS shall be operated in accordance with the applicable procedures under Performance Specifications 1, 2, and 3 (40 CFR 60 - Appendix B).
 - b. Quarterly accuracy determinations and daily calibration drift tests shall be performed in accordance with Procedure 1 (40 CFR 60 - Appendix F).
 - c. When the facility combusts coke, alone or in combination with other fuels, the span value of the sulfur dioxide CEMS at the inlet to the sulfur dioxide control device is 125 percent of the maximum estimated hourly potential sulfur dioxide emissions of the fuel combusted, and the span value of the CEMS at the outlet to the sulfur dioxide control device is 50 percent of the maximum estimated hourly potential sulfur dioxide emissions of the fuel combusted.
18. The nitrogen dioxide and opacity continuous monitoring systems required under 40 CFR 60.48b(b) shall be operated and data recorded during all periods of operation of the affected facility except for continuous monitoring system breakdowns and repairs. Data is recorded during calibration checks, and zero and span adjustments. [40 CFR 60.48b(c)]
19. The 1-hour average nitrogen oxides emission rates measured by the continuous nitrogen oxides monitor required by 40 CFR 60.48b(b) and 40 CFR 60.13(h) shall be expressed in ng/J or lb/million Btu heat input and shall be used to calculate the average emission rates under 40 CFR 60.44b. The 1-hour averages shall be calculated using the data points required under 40 CFR 60.13(b). At least 2 data points must be used to calculate each 1-hour average. [40 CFR 60.48b(d)]
20. The procedures under 40 CFR 60.13 shall be followed for installation, evaluation, and operation of the nitrogen dioxide and opacity continuous monitoring systems. [40 CFR 60.48b(e)]
- a. When combusting petroleum coke or wood, the span value for a continuous monitoring system for measuring opacity shall be between 60 and 80 percent.
 - b. When combusting petroleum coke or natural gas, the span value for nitrogen oxides shall be determined as provided in 40 CFR 60.49b(e)(2).
 - c. All span values computed under part b. of this Condition for combusting mixtures of regulated fuels must be rounded to the nearest 500 ppm.
21. When nitrogen oxides emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks and zero and span adjustments, emission data will be obtained by using standby monitoring systems, Method 7, Method 7A, or other approved reference methods to provide emission data for a minimum of 75 percent of the operating hours in each steam generating unit operating day, in at least 22 out of 30 successive steam generating unit operating days. [40 CFR 60.48b(f)]
22. The Permittee must develop a site-specific monitoring plan and obtain monitoring data according to 40 CFR 63.7535 for each continuous monitoring systems that is not operated pursuant to 40 CFR part 60 appendix B requirements and used to demonstrate compliance with any applicable

Subpart DDDDD emission limit through performance testing and subsequent compliance with operating limits. [40 CFR 63.7505(d) and 40 CFR 63.7535]

23. The Permittee must demonstrate continuous compliance with applicable Subpart DDDDD Table 8 requirements. [40 CFR Part 63, Subpart DDDDD, Table 8. [40 CFR 63.7540]
24. To comply with the requirements of 40 CFR 64.7 and maintain continuous compliance with the PM₁₀ emission limit in II.A.4 and the opacity limit in II.A.7, the Permittee shall maintain and operate a continuous opacity monitoring system that continuously measures the stack gas opacity in Boilers 1 and 2. An excursion of the PM₁₀ emission limit shall be defined as an opacity reading that exceeds the average hourly opacity reading of 7.5%. An excursion of the PM₁₀ and/or opacity limits shall be defined as an hourly average that exceeds 7.5%. The monitoring system shall be calibrated to alarm when an excursion occurs which will trigger the need for the following corrective action steps:
 - a. Immediate investigation into the cause of the alarm.
 - b. If at any time during the corrective action steps in Condition II.C.24, the stack gas opacity exceeds the 10% limit in Condition II.A.7, the Permittee shall immediately shut down the boiler(s) and associated fabric filter(s) and report any permit deviation pursuant to Condition III.C.
 - c. Maintenance or replacement of the fabric filter component(s).
 - d. Return of units to normal operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.
 - e. Reporting and recordkeeping pursuant to section II.D and II.E of this permit and appropriate facility wide reporting in accordance with section III.C.1 of this permit.
25. At least once per calendar month, the Permittee shall inspect the interior and exterior of the fabric filters for EU 11 for evidence of damage or leaks and take appropriate corrective actions to restore filters to proper operation before resuming normal operations. [PSD permit SE 87-01 Condition XI.B.2]

II.D. Recordkeeping Requirements

1. The Permittee shall record and maintain daily records of the amounts and types of biomass fuel fired each calendar quarter, the amount of natural gas fired each calendar quarter, the amount of petroleum coke fired each calendar quarter, the amount of railroad ties fired each calendar quarter, the amount of TDF fired each calendar quarter, the amount of corrugated paper waste fired each calendar quarter, and the plant hours of operation. All information shall be recorded in a permanent form suitable for inspection. The file shall be retained for at least five years following the date of such measurements, calculation and record. [PSD permit SE-87-01 Condition IX.D.4]
2. The Permittee shall maintain a file of all measurements, including continuous monitoring systems evaluations; all continuous monitoring systems or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; performance and all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports and records. (Note: this does not alter the requirement in Condition III.B.2 of this permit that all records of monitoring data and support information required under this permit must be maintained for at least 5 years) [PSD permit SE-87-01 Condition IX.J.2]
3. The Permittee shall record and maintain, for the boilers, records of the amounts of each fuel combusted during each day and calculate the annual capacity factor individually for petroleum coke, natural gas, and wood for the reporting period. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month. [40 CFR 60.49b(d)]
4. The Permittee shall maintain records of opacity. [40 CFR 60.49b(f)]
5. The Permittee shall maintain records of the following information for each steam generating unit operating day [40 CFR 60.49b(g)]:
 - a. Calendar date.
 - b. The average hourly nitrogen oxides emission rates (expressed as NO₂ in units of ng/J or lb/million Btu heat input) measured or predicted.
 - c. The 30-day average nitrogen oxides emission rates (ng/J or lb/million Btu heat input) calculated at the end of each steam generating unit operating day from the measured or predicted hourly nitrogen oxide emission rates for the preceding 30 steam generating unit operating days.
 - d. Identification of the steam generating unit operating days when the calculated 30-day average nitrogen oxides emission rates are in excess of the nitrogen oxides emissions standards under Condition II.A.12 of this permit, with the reasons for such excess emissions as well as a description of corrective actions taken.
 - e. Identification of the steam generating unit operating days for which pollutant data have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken.
 - f. Identification of the times when emission data have been excluded from the calculation of average emission rates and the reasons for excluding data.

- g. Identification of “F” factor used for calculations, method of determination, and type of fuel combusted.
 - h. Identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system.
 - i. Description of any modifications to the continuous monitoring system that could affect the ability of the continuous monitoring system to comply with NSPS 40 CFR 60 - Performance Specification 2 or 3.
 - j. Results of daily CEMS drift tests and quarterly accuracy assessments as required under 40 CFR 60 - Appendix F, Procedure 1.
6. All records required by 40 CFR 60 - Subpart Db shall be maintained by the Permittee for a period of 2 years following the date of such record. (Note: this does not alter the requirement in Condition III.B.2 of this permit that all records of monitoring data and support information required under this permit must be maintained for at least 5 years) [40 CFR 60.49b(o)]
 7. The Permittee shall maintain records of the hours of operation and diesel fuel use for the emergency generator. [40 CFR 71.6(c)]
 8. The Permittee shall maintain records of all activities undertaken to comply with Condition II.B.6 of this permit, including (but not limited to) the following: monthly records of the weight and height of the ash storage pile, dates of ash transfer from the silo to the storage area, and dates of ash transfer offsite. [40 CFR 71.6(c)]
 9. The Permittee shall maintain a log of continuous opacity monitoring data and submit the most recent six months of data to EPA in the semi-annual monitoring reports required by condition III.C.1. [40 CFR 64.9(b)]
 10. The Permittee shall maintain records of the dates and results of each filter inspection performed pursuant to Condition II.C.24 and any corrective actions taken as a result of the required inspections shall be recorded.
 11. The Permittee shall maintain records for the boilers comprising EU-01 according to 40 CFR 63.7555(a)(1) and (2), (b), (c), and (d) and according to Table 8 of 40 CFR Part 63, Subpart DDDDD. The Permittee must maintain such records according to 40 CFR 63.7560. [40 CFR 63.7540(a)(2), 40 CFR 63.7555]

II.E. Reporting Requirements

1. The Permittee shall submit a quarterly composition analysis of its petroleum coke supply to the Cabazon Band, EPA and SCAQMD. [PSD permit SE 87-01 Condition IX.D.8]
2. The Permittee shall submit a written report of all excess emissions to EPA (Attn: Air Section, ENF-2-1) for every calendar quarter. The report shall include the following [PSD permit SE 87-01 Condition IX.J.4, 40 CFR 60.49b(h)]:

- a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factors used, and the date and time of commencement and completion of each time period of excess emissions.
 - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the furnace/boiler system. The nature and cause of any malfunction (if known) and the corrective action taken or preventive measures adopted shall also be reported.
 - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks, and the nature of the system repairs or adjustments.
 - d. When no excess emissions have occurred or the continuous monitoring system has not been inoperative, repaired, or adjusted, such information shall be stated in the report.
 - e. Excess emissions shall be defined as any 3-hour period during which the average emissions of SO₂, NO_x, or CO, as measured by the CEM, exceeds the maximum 3-hour emission limits set forth in Conditions II.A.1, 9, and 11 of this permit and any calendar day during which the average emissions of NO_x as measured by the CEM, exceeds the maximum daily emission limit set forth in II.A.11 above. Excess emissions shall also be defined as any period or periods aggregating more than three minutes in any one hour during which the stack gas opacity as measured by the CEM exceeds the limit set forth in Condition II.A.7 of this permit.
3. Excess emissions indicated by the CEM system shall be considered violations of the applicable emission limit for the purposes of this permit. [PSD permit SE 87-01 Condition IX.J.5]
 4. The Permittee shall submit semiannual reports of information recorded as required by Condition II.D.5 of this permit. [40 CFR 60.49b(i)]
 5. The Permittee shall submit reports of all information related to compliance with the sulfur dioxide emission limit and percent reduction requirement of Condition II.A.3 of this permit. [40 CFR 60.49b(j)]
 6. Regarding compliance and performance testing requirements of 40 CFR 60.45b and the reporting requirement in 40 CFR 60.49b(j), the following information shall be reported to the Administrator [40 CFR 60.49b(k)]:
 - a. Calendar dates covered in the reporting period.
 - b. Each 30-day average sulfur dioxide emission rate (ng/J or lb/million Btu heat input) measured during the reporting period, ending with the last 30-day period; reasons for noncompliance with the emission standards; and a description of corrective actions taken.
 - c. Each 30-day average percent reduction in sulfur dioxide emissions calculated during the reporting period, ending with the last 30-day period; reasons for noncompliance with the emission standards; and a description of corrective actions taken.
 - d. Identification of the steam generating unit operating days that petroleum coke was combusted and for which sulfur dioxide or diluent (oxygen or carbon dioxide) data have

not been obtained by an approved method for at least 75 percent of the operating hours in the steam generating unit operating day; justification for not obtaining sufficient data; and description of corrective action taken.

- e. Identification of the times when emissions data have been excluded from the calculation of average emission rates; justification for excluding data; and description of corrective action taken if data have been excluded for periods other than those during which coal or oil were not combusted in the steam generating unit.
 - f. Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.
 - g. Identification of times when hourly averages have been obtained based on manual sampling methods.
 - h. Identification of the times when the pollutant concentration exceeded full span of the CEMS.
 - i. Description of any modifications to the CEMS that could affect the ability of the CEMS to comply with 40 CFR 60 - Performance Specification 2 or 3.
 - j. Results of daily CEMS drift tests and quarterly accuracy assessments as required under 40 CFR 60 - Appendix F, Procedure 1.
 - k. The annual capacity factor of each fuel fired as provided under 40 CFR 60.49b(d)
7. The reporting period for the reports required under 40 CFR 60 - Subpart Db is each six-month period. All reports shall be submitted to the Administrator and shall be postmarked by the 30th day following the end of the reporting period. [40 CFR 60.49b(s)]
8. The Permittee may submit electronic quarterly reports for SO₂ and/or NO_x and/or opacity in lieu of submitting the written reports required under 40 CFR 60.49b(h), (i), (j), (k) or (l). The format of each quarterly electronic report shall be coordinated with the permitting authority. The electronic report(s) shall be submitted no later than 30 days after the end of the calendar quarter and shall be accompanied by a certification statement from the owner or operator, indicating whether compliance with the applicable emission standards and minimum data requirements of this subpart was achieved during the reporting period. Before submitting reports in the electronic format, the owner or operator shall coordinate with the permitting authority to obtain their agreement to submit reports in this alternative format. [40 CFR 60.49b(v)]
9. The Regional Administrator shall be notified by telephone within 48 hours following any failure of air pollution control equipment, process equipment, or of a process to operate in a normal manner which results in an increase in emissions above any allowable emissions limit stated in Section II of these conditions. In addition, the Regional Administrator shall be notified in writing within fifteen (15) days of any such failure. This notification shall include a description of the malfunctioning equipment or abnormal operation, the date of the initial failure, the period of time over which emissions were increased due to the failure, the cause of the failure, the estimated resultant emissions in excess of those allowed under Section II of these conditions, and the methods utilized to restore normal operations. Compliance with this malfunction notification provision shall not excuse or otherwise constitute a defense to any violations of this permit or of any law or regulations which such malfunction may cause. [PSD permit SE 87-01 Condition IV]

10. The Permittee shall submit semiannual compliance reports required pursuant to 40 CFR part 63, Subpart DDDDD, Table 9 and according to the procedures in 40 CFR 63.7550(h)(1) through (3). [40 CFR 63.7550]
11. The Permittee shall submit the applicable notifications to the EPA in 40 CFR 63.7(b) and (c); 40 CFR 63.8(e), (f)(4), and (6); 40 CFR 63.9(b) through (h); and 40 CFR 63.7545(g) and (h). [40 CFR 63.7545]
12. All correspondence as required by PSD permit SE 87-01 shall be forwarded to:
[PSD permit SE 87-01 Condition X]
 - a. Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
 - b. Chief, Industrial Strategies Division
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95814
 - c. Executive Officer
South Coast Air Quality Management District
21865 E. Copley Drive
Diamond Bar, CA 91765

II.F. Emission Mitigation Conditions
[PSD permit SE 87-01, Condition IX.L.]

1. As used in this permit, "Monitoring and Enforcement Agreement" shall mean that certain agreement executed by Colmac Energy, Inc. on May 10, 1989, executed thereafter by SCAQMD, the Cabazon Band of Mission Indians, the County of Riverside, and the Coachella Valley Association of Governments, and consented to by the Department of Interior, Bureau of Indian Affairs and by the Environmental Protection Agency (see Attachment A). A copy of the agreement shall be retained and made available for public review at the Region 9 office of EPA, San Francisco, California and at the SCAQMD office in Diamond Bar, California. [PSD permit SE 87-01, Condition IX.L.1]
2. Emission Mitigation Options [PSD permit SE 87-01, Condition IX.L.2]:
 - a. Measures to mitigate emissions from the facility shall be provided by the payments required by paragraph 13 of the Monitoring and Enforcement Agreement. These payments shall be in lieu of all air emissions offsets for the permitted emissions for the project subject to the conditions set forth in subparagraph (b) below.
 - b. In the event that the permitted emissions for the facility, as allowed by this permit or any amendment thereto, are greater than one-half the offset credit amounts listed in this subparagraph as Available Open Field Burning Offset Credits, which amounts have been accepted as previously available to the facility, then the facility must provide additional offsets for each day the plant operates to mitigate facility emissions to the extent that a

daily permitted emission exceeds the daily Available Open Field Burning Offset Credit amount.

Available Open Field Burning Offset Credits

<u>Pollutants</u>	<u>lb/day</u>
NO _x	2,134
SO ₂	2,192
CO	48,312
HC	3,690
PM	2,790

In the event that the number of operating days exceeds 330 in any 365-day period, then the daily offset credits listed above shall be reduced by the ratio of 330 divided by the actual number of operating days in that period.

- c. Offsets required pursuant to subparagraph (b) above may be provided by open field burning credits from within the Southeast Desert Air Basin as defined on June 10, 1987 and in accordance with the ARB/CAPCOA recommended procedure, dated June 21, 1984 [A Procedure to Implement the Provisions of Health and Safety Code Section 41605 Relating to the Determination of Agricultural/Forestry Emission Offset Credits ("the ARB/CAPCOA recommended procedure")]. The emission offset credit shall be calculated using the ARB/CAPCOA recommended procedure. Alternatively, any offsets required pursuant to subparagraph (b) may be provided in accordance with the regulations of SCAQMD or by any combination of Open Field Burning Offset Credits and other SCAQMD complying offsets.
3. Pursuant to paragraph 14 of the Monitoring and Enforcement Agreement, the Permittee agrees to use its best efforts to acquire agricultural waste through agreements negotiated with farmers or other suppliers in the Coachella Valley, and with the assistance of the county by directly encouraging farmers to provide such wastes, which wastes would otherwise have been burned in the open field in the Coachella Valley but could, consistent with sound agricultural practices, be obtained by the Permittee and burned in the permitted facility as fuel. [PSD permit SE 87-01, Condition IX.L.3]
4. The Permittee shall require and maintain fuel receipts, bills of lading or transportation manifests, and scale records for acquisition and transportation of fuel acquired from within the Coachella Valley which would otherwise be burned in the open field. Record-keeping shall include daily records of weight, type, and geographic location of origin of fuel received for combustion at the permitted facility and the number of operating days in the previous 365-day period.[PSD permit SE 87-01, Condition IX.L.4]
5. Each year, on the anniversary of the date of initial combustion of biomass fuel at the facility, the Permittee shall submit the records maintained in accordance with this condition to EPA (Attn: Air Section, ENF-2-1) and to the SCAQMD office in Diamond Bar, California. [PSD permit SE 87-01, Condition IX.L.5]
6. All of the above information shall be recorded by the Permittee in a permanent form suitable for inspection, and the file shall be retained for at least two years following the date of such measurements, calculation, and record. [PSD permit SE 87-01 Condition IX.L.6]

7. After the end of the ten year period commencing with the initial start up of the permitted facility on biomass fuel ("the ten year period") the Permittee shall continue to fully offset emissions from the plant in accordance with the options provided for in paragraph 16 of the Monitoring and Enforcement Agreement. The following procedures shall apply [PSD permit SE 87-01, Condition IX.L.7]:
 - a. In the event that the Permittee elects to continue the payments as provided in paragraph 13 of the Monitoring and Enforcement Agreement, then the provisions of this condition II.F shall remain in effect. Such election by the Permittee shall be made prior to the end of the ten year period in writing delivered by certified mail to EPA, Region 9, Air and Radiation Division, with copies to SCAQMD and the County of Riverside.
 - b. Alternatively, in the event that the Permittee has not made the election provided for in subparagraph (a) above and EPA has not approved an amendment to the permit prior to the end of the ten year period, which amendment provides for an alternative means of offsetting plant emissions in conformance with paragraph 16 of the Monitoring and Enforcement Agreement, then paragraph IX.L of the PSD permit SE 87-01 as originally issued June 28, 1988 shall be reinstated without further action by EPA.
 - c. SCAQMD and the County of Riverside shall be given notice by EPA of any proposed amendment to this permit.

II.G. NSPS General Provisions
[40 CFR Part 60, Subpart A]

The following requirements apply to the operation, maintenance, and testing of the boilers comprising EU-01 in accordance with 40 CFR Part 60, Subpart Db ("Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units")

1. All requests, reports, applications, submittals, and other communications to the Administrator pursuant to 40 CFR Part 60 shall be submitted in duplicate to the EPA Region 9 office at the following address [40 CFR 60.4(a)]:

Director, Air and Radiation Division (Attn: AIR-1)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
2. Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative. [40 CFR 60.7(b)]
3. Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and-or summary report form (see paragraph (d) of this section) to the Administrator semi-annually, except when: more frequent reporting is specifically required by an applicable subpart; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the following information [40 CFR 60.7(c)]:

- a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.
 - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.
 - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.
 - d. When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.
4. The summary report form shall contain the information and be in the format shown in Figure 1 in 40 CFR 60.7(d), unless otherwise specified by the Administrator. One summary report form shall be submitted for each pollutant monitored at each affected facility. [40 CFR 60.7(d)]
 - a. If the total duration of excess emissions for the reporting period is less than 1 percent of the total operating time for the reporting period and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in 40 CFR 60.7(c) need not be submitted unless requested by the Administrator.
 - b. If the total duration of excess emissions for the reporting period is 1 percent or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, the summary report form and the excess emission report described in 40 CFR 60.7(c) shall both be submitted.
5. Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as follows [40 CFR 60.7(f)]:
 - a. This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under Condition II.G.5 of this permit, the owner or operator shall retain the most recent consecutive three averaging periods of sub-hourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

- b. This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS hourly measurements as required under Condition II.G.5 of this permit, the owner or operator shall retain all hourly measurements for the most recent reporting period. The hourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.
 - c. The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by Condition II.G.5 of this permit, if the Administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.
- 6. The availability to the public of information provided to, or otherwise obtained by, the EPA Administrator under this permit shall be governed by 40 CFR Part 2. (Information submitted voluntarily to the Administrator for the purposes of compliance with 40 CFR 60.5 and 60.6 is governed by 40 CFR 2.201 through 2.213 and not by 40 CFR 2.301.) [40 CFR 60.9]
 - 7. Compliance with standards in 40 CFR 60 - Subpart Db, other than opacity standards, shall be determined in accordance with performance tests established by 40 CFR 60.8, unless otherwise specified in Section II.C of this permit. [40 CFR 60.11(a)]
 - 8. Compliance with opacity standards in 40 CFR 60 - Subpart Db shall be determined by conducting observations in accordance with Reference Method 9 in 40 CFR 60 - Appendix A, any alternative method that is approved by the Administrator, or as provided in paragraph 40 CFR 60.11(e)(5). For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard). [40 CFR 60.11(b)]
 - 9. The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard. [40 CFR 60.11(c)]
 - 10. At all times, including periods of startup, shutdown, and malfunction, the Permittee shall, to the extent practicable, maintain and operate this facility including associated air pollution control equipment as efficiently as possible in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. [40 CFR 60.11(d), PSD permit SE 87-01 Condition III]
 - 11. For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in 40 CFR Part 60, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. [40 CFR 60.11(g)]
 - 12. No owner or operator subject to the provisions 40 CFR Part 60 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would

otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere. [40 CFR 60.12]

13. For the purposes of this section, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring systems under appendix B to this part and, if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, appendix F to this part, unless otherwise specified in an applicable subpart or by the Administrator. Appendix F is applicable December 4, 1987. [40 CFR 60.13(a)]
14. All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under 40 CFR 60.8. Verification of operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation, and calibration of the device. [40 CFR 60.13(b)]
15. The Permittee shall conduct COMS or CEMS performance evaluations consistent with 40 CFR 60 - Appendix B, at such other times as may be required by the Administrator under section 114 of the Act. [40 CFR 60.13(c)]
16. Owners and operators of all continuous emission monitoring systems installed in accordance with 40 CFR 60 shall check the zero (or low-level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour span drift exceeds two times the limits of the applicable performance specifications in 40 CFR 60 - Appendix B. The system must allow the amount of excess zero and span drift measured at the 24-hour interval checks to be recorded and quantified, whenever specified. For continuous monitoring systems measuring opacity of emissions, the optical surfaces exposed to the effluent gases shall be cleaned prior to performing the zero and span drift adjustments except that for systems using automatic zero adjustments. The optical surfaces shall be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity. [40 CFR 60.13(d)(1)]
17. Unless otherwise approved by the Administrator, the following procedures shall be followed for continuous monitoring systems measuring opacity of emissions. Minimum procedures shall include a method for producing a simulated zero opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photodetector assembly. [40 CFR 60.13(d)(2)]
18. Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under paragraph (d) of this section, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows [40 CFR 60.13(e)]:
 - a. All continuous monitoring systems referenced by 40 CFR 60.13(c) for measuring opacity of emissions shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

- b. All continuous monitoring systems referenced by 40 CFR 60.13(c) for measuring emissions, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
- 19. All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of 40 CFR 60 - Appendix B shall be used. [40 CFR 60.13(f)]
- 20. Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to 6-minute averages and for continuous monitoring systems other than opacity to 1-hour averages for time periods as defined in 40 CFR 60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period. For continuous monitoring systems other than opacity, 1-hour averages shall be computed from four or more data points equally spaced over each 1-hour period. Data recorded during periods of continuous system breakdown, repair, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph. For owners and operators complying with the requirements in 40 CFR 60.7(f) (1) or (2), data averages must include any data recorded during periods of monitor breakdown or malfunction. An arithmetic or integrated average of all data may be used. The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O₂ or ng/J of pollutant). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits as used in the applicable subparts to specify the emission limit (e.g., rounded to the nearest 1 percent opacity). [40 CFR 60.13(h)]
- 21. After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring procedures or requirements of 40 CFR 60 including, but not limited to alternative monitoring requested for reasons listed in 40 CFR 60.13(i). [40 CFR 60.13(i)]
- 22. An alternative to the relative accuracy test for continuous monitoring systems specified in Performance Specification 2 of 40 CFR 60 - Appendix B may be requested as described in 40 CFR 60.13(j). [40 CFR 60.13(j)]
- 23. With respect to compliance with all New Source Performance Standards of 40 CFR Part 60, the Permittee shall comply with the "General notification and reporting requirements" found in 40 CFR 60.19. [40 CFR 60.19]

II.H. Permit Shield

- 1. Pursuant to 40 CFR 71.6(f), the EPA expressly states that a Permit Shield is incorporated herein that incorporates the applicable requirements of 40 CFR part 63 subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters ("Subpart DDDDD"), specifically Table 4 - Operating Limits for Boilers and Process Heaters, Item No. 3; Table 7 - Establishing Operating Limits, Item No. 1c.; and Table 8 - Demonstrating Continuous Compliance, Item 1. Compliance with Conditions II.A.7, II.C.18, II.C.24, II.D.4 and II.D.9 of this permit shall be deemed compliance with Subpart DDDDD Table 4 - Operating Limits for Boilers and Process Heaters, Item No. 3; Table 7 - Establishing Operating Limits, Item No. 1c.; and Table 8 - Demonstrating Continuous

Compliance, Item 1. The EPA warrants that all applicable Subpart DDDDD, Table 4, Item 3 requirements are specifically included and identified in this permit.

The EPA also expressly states that non-applicable requirements include the provisions at 40 CFR 63.6640(f)(1).

2. Nothing in this permit shall alter or effect the following [40 CFR 71.6(f)(3)]:
 - a. The provisions of section 303 of the Clean Air Act (emergency orders), including the authority of the Administrator under that section.
 - b. The liability of an owner or operator for any violation of applicable requirements prior to or at the time of permit issuance.
 - c. The applicable requirements of the acid rain program, consistent with section 408(a) of the Clean Air Act.

II.I. Compliance Schedule and Progress Reports

[40 CFR sections 71.5(c)(8)(iii) and 71.6(c)(3)]

1. For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements.
2. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis.

III. Facility-Wide or Generic Permit Requirements

Conditions in this section of the permit (Section III) apply to all emissions units located at the facility.
[See 40 CFR 71.6(a)(1)]

III.A. Testing Requirements

[40 CFR 71.6(a)(3)]

In addition to the unit specific testing requirements derived from the applicable requirements for each individual unit contained in Section II of this permit, the Permittee shall comply with the following generally applicable testing requirements as necessary to ensure that the required tests are sufficient for compliance purposes:

1. Submit to EPA a source test plan 30 days prior to any required testing. The source test plan shall include and address the following elements:
 - 1.0 Purpose of the test
 - 2.0 Source Description and Mode of Operation During Test
 - 3.0 Scope of Work Planned for Test
 - 4.0 Schedule/Dates
 - 5.0 Process Data to be Collected During Test
 - 6.0 Sampling and Analysis Procedures
 - 6.1 Sampling Locations
 - 6.2 Test Methods
 - 6.3 Analysis Procedures and Laboratory Identification
 - 7.0 Quality Assurance Plan
 - 7.1 Calibration Procedures and Frequency
 - 7.2 Sample Recovery and Field Documentation

7.3 Chain of Custody Procedures
7.4 QA/QC Project Flow Chart
8.0 Data Processing and Reporting
8.1 Description of Data Handling and QC Procedures
8.2 Report Content

2. Unless otherwise specified by an applicable requirement or permit condition in Section II, all source tests shall be performed at maximum operating rates (90% to 110%) of device design capacity).
3. Only regular operating staff may adjust the processes or emission control device parameters during a compliance source test. No adjustments are to be made within two (2) hours of the start of the tests. Any operating adjustments made during a source test, that are a result of consultation during the tests with source testing personnel, equipment vendors, or consultants, may render the source test invalid.
4. During each test run and for two (2) hours prior to the test and two (2) hours after the completion of the test, the Permittee shall record the following information:
 - a. Fuel characteristics and/or amount of product processed (if applicable).
 - b. Visible emissions.
 - c. All parametric data which is required to be monitored in Section II for the emission unit being tested.
 - d. Other source specific data identified in Section II such as minimum test length (e.g., one hour, 8 hours, 24 hours, etc.), minimum sample volume, other operating conditions to be monitored, correction of O₂, etc.
5. Each source test shall consist of at least three (3) valid test runs and the emission results shall be reported as the arithmetic average of all valid test runs and in the terms of the emission limit. There must be at least 3 valid test runs, unless otherwise specified.
6. Source test reports shall be submitted to EPA within 60 days of completing any required source test.

III.B. Recordkeeping Requirements
[40 CFR 71.6 (a)(3)(ii)]

In addition to the unit specific recordkeeping requirements derived from the applicable requirements for each individual unit and contained in Section II, the Permittee shall comply with the following generally applicable recordkeeping requirements:

1. The Permittee shall keep records of required monitoring information that include the following:
 - a. The date, place, and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;

- d. The analytical techniques or methods used;
 - e. The results of such analyses; and
 - f. The operating conditions as existing at the time of sampling or measurement.
2. The Permittee shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

III.C. Reporting Requirements

[40 CFR 71.6 (a)(3)(iii)]

1. The Permittee shall submit to EPA Region 9 reports of any monitoring required under 40 CFR 71.6(a)(3)(i)(A), (B), or (C) for each six month reporting period from January 1 to June 30 and from July 1 to December 31, except that the first reporting period shall cover the period from August 3, 2006 through December 31, 2006. All reports shall be submitted to EPA and shall be postmarked by the 30th day following the end of the reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with condition IV.E. [40 CFR 71.6 (a)(3)(iii)]
- a. A monitoring report under this section must include the following:
 - (1) The company name and address,
 - (2) The beginning and ending dates of the reporting period,
 - (3) The emissions unit or activity being monitored
 - (4) The emissions limitation or standard, including operational requirements and limitations (such as parameter ranges), specified in the permit for which compliance is being monitored.
 - (5) All instances of deviations from permit requirements, including those attributable to upset conditions as defined in the permit and including excursions or exceedances as defined under 40 CFR part 64, and the date on which each deviation occurred.
 - (6) If the permit requires continuous monitoring of an emissions limit or parameter range, the report must include the total operating time of the emissions unit during the reporting period, the total duration of excess emissions or parameter exceedances during the reporting period, and the total downtime of the continuous monitoring system during the reporting period.
 - (7) If the permit requires periodic monitoring, visual observations, work practice checks, or similar monitoring, the report shall include the total time when such monitoring was not performed during the reporting period and at the source's

discretion either the total duration of deviations indicated by such monitoring or the actual records of deviations.

- (8) All other monitoring results, data, or analyses required to be reported by the applicable requirement.
 - (9) The name, title, and signature of the responsible official who is certifying to the truth, accuracy, and completeness of the report.
 - b. Any report required by an applicable requirement that provides the same information described in paragraph III.C.1.a(1) through (9) above shall satisfy the requirement under III.C.1.a.
 - c. “Deviation,” means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or record keeping established in accordance with 40 CFR 71.6(a)(3)(i) and (a)(3)(ii). For a situation lasting more than 24 hours, each 24-hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:
 - (1) A situation when emissions exceed an emission limitation or standard;
 - (2) A situation when there is an excursion of a process or control device
 - (3) A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit.
 - (4) A situation in which an exceedance or an excursion, as defined in the compliance assurance plan (40 CFR Part 64), occurs.
2. The Permittee shall promptly report to the EPA Regional Office deviations from permit or start-up, shut-down malfunction plan requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. “Prompt” is defined as follows:
- a. Any definition of “prompt” or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit;
 - b. Where the underlying applicable requirement does not define prompt or provide a timeframe for reporting deviations, reports of deviations will be submitted based on the following schedule:
 - (1) For emissions of a hazardous air pollutant or a toxic air pollutant(as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
 - (2) For emissions of any regulated pollutant excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.

- (3) For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report required in paragraph III.C.1 of this permit.
3. If any of the conditions in III.C.2.b of this permit are met, the source must notify the permitting authority by telephone, facsimile, or electronic mail sent to AEO_R9@epa.gov, based on the timetable listed. A written notice, certified consistent with paragraph III.C.4 of this permit section must be submitted within 10 working days of the occurrence. All deviations reported under this section must also be identified in the 6-month report required under paragraph III.C.1 of this section.
4. Any application form, report, or compliance certification required to be submitted by this permit shall contain certification by a responsible official of truth, accuracy, and completeness. All certifications shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

III.D. Other Applicable Regulations

[PSD permit SE 87-01 Condition VIII]

The Permittee shall construct and operate this facility in compliance with all other applicable provisions of 40 CFR Parts 52, 60 and 61 and all other applicable Federal, State and local air quality regulations.

III.E. New Source Performance Standards

[PSD permit SE 87-01 Condition IX.K]

The biomass-fired facility is subject to the Standards of Performance for New Stationary Sources 40 CFR 60, Subparts A and Db, including all emissions limits and all notification, testing, monitoring, and reporting requirements.

III.F. Chemical Accident Prevention

[Clean Air Act Sections 112(r)(1), 112(r)(3), 112(r)(7) & 40 CFR part 68]

1. The following activities are considered essential and necessary to satisfy the general duty requirements of section 112(r)(1) of the Act:
 - a. Identify hazards which may result from accidental releases using appropriate hazard assessment techniques.
 - b. Design, maintain, and operate a safe facility.
 - c. Minimize the consequences of accidental releases if they occur.
2. This facility is subject to 40 CFR part 68 and shall certify annual compliance with all requirements of 40 CFR part 68, including compliance with the risk management plan submitted to EPA. [40 CFR 68.215]

IV. Title V Administrative Requirements

IV.A. Payment of Fees and Reporting of Actual Emissions

1. The Permittee shall pay annual fees and submit actual emission reports in accordance with the procedures described below. Failure to pay fees in a timely manner shall subject the Permittee to

assessment of penalties and interest in accordance with 40 CFR 71.9(l): [40 CFR 71.9(a), 71.9(h)(1)-(3), 71.9(j), 71.9(k), and 71.9(l)]

- a. The Permittee shall pay the annual permit fee and submit the fee filing form by **September 22** of each year.
- b. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of the U.S. Environmental Protection Agency, along with Form **FF** (EPA Form 5900-06), to the address below:

U.S. Environmental Protection Agency
OCFO/OC/ACAD/FCB
Attn: Collections Team
1300 Pennsylvania Ave NW
Mail Code 2733R
Washington, DC 20004

- c. Part 71 fees can also be paid online at www.pay.gov using form “SFO 1.1 (EPA Miscellaneous Payments - Cincinnati Finance Center).” This form can be located on www.pay.gov. EPA Form **FF** cannot be used for online payments.
- d. Please send a photocopy of the check, the Fee Calculation Worksheet, Form **FEE** (EPA Form 5900-03) and Form **CTAC** (EPA Form 2060-0336) to this address:

Director, Air and Radiation Division (Attn: AIR-3-1)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

or by email to:

R9AirPermits@epa.gov

- e. If EPA determines that a source has completed the fee calculation work sheet incorrectly, the permitting authority shall bill the applicant for the corrected fee or credit overpayments to the source’s account.
- f. The Permittee shall calculate the fee using the following method:
 - i. The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all “regulated pollutants (for fee calculation)” emitted from the source by the presumptive emissions fee (in dollars/ton) in effect at the time of calculation.
 - 1. “Actual emissions” means the actual rate of emissions in tpy of any regulated pollutant (for fee calculation), as defined in 40 CFR 40 CFR 71.2, emitted from a Part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit’s actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year.

2. Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data. All emissions should be rounded to the nearest ton.
3. If actual emissions cannot be determined using the compliance methods in the permit, the Permittee shall use other federally recognized procedures.
- ii. The Permittee shall exclude the following emissions from the calculation of fees:
 1. The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year;
 2. Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation; and
 3. The quantity of actual emissions (for fee calculation) of insignificant activities defined in 40 CFR 71.5(c)(11)(i) or of insignificant emissions levels from emissions units identified in the Permittee's application pursuant to 40 CFR 71.5(c)(11)(ii).
- iii. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official, using **Form CTAC** (EPA Form 2060-0336).
 1. If the Permittee is notified by EPA of additional amounts due, the Permittee shall remit full payment within 30 days of receipt of the invoice.
 2. If the Permittee thinks that the assessed fee is in error, the Permittee shall provide a written explanation of the alleged error to EPA along with the assessed fee.
 3. The permitting authority shall, within 90 days of receipt of the correspondence, review the data to determine whether the assessed fee was in error. If an error was made, the overpayment shall be credited to the account of the part 71 source.
2. The Permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for 5 years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by EPA and used by the Permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with 40 CFR 71.6(a)(3)(ii). [See 40 CFR 71.9(i).]
3. The annual fee rates for each calendar year, Forms **FF**, **FEE** and **CTAC** can be located at <http://www.epa.gov/title-v-operating-permits/permit-fees>.

IV.B. Blanket Compliance Statement

[40 CFR 71.6(a)(6)(i) and (ii); sections 113(a) and 113(e)(1) of the Act; and 40 CFR sections 51.212, 52.12, 52.33, 60.11(g), and 61.12.]

1. The Permittee must comply with all conditions of this Part 71 permit. Any permit noncompliance, including, but not limited to, violation of any applicable requirement; any permit term or condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any regulation or order issued by the permitting authority pursuant to this part constitutes a violation of the Clean Air Act and is grounds for enforcement action; permit

termination, revocation and reissuance, or modification; or for denial of a permit renewal application. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [40 CFR 71.6(a)(6)(i) and (ii).]

2. Determinations of deviations, continuous or intermittent compliance status, or violations of this permit, are not limited to the applicable testing or monitoring methods required by the underlying regulations or this permit; other credible evidence (including any evidence admissible under the Federal Rules of Evidence) must be considered in such determinations. [Section 113(a) and 113(e)(1) of the Act, 40 CFR sections 51.212, 52.12, 52.33, 60.11(g), and 61.12.]

IV.C. Compliance Certifications

[40 CFR 71.6(c)(5)]

1. The Permittee shall submit to EPA Region 9 a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, postmarked by January 30 of each year and covering the previous calendar year, exception that the first certification following the issuance of this permit shall cover the period from August 3, 2006 through December 31, 2006 and shall be postmarked by January 30, 2007
2. The certification shall include the following:
 - a. Identification of each permit term or condition that is the basis of the certification.
 - b. Identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Clean Air Act, which prohibits knowingly making a false certification or omitting material information.
 - c. The compliance status of each term and condition of the permit for the period covered by the certification based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification.
 - d. Whether compliance with each permit term was continuous or intermittent.

IV.D. Duty to Provide and Supplement Information

[40 CFR sections 71.6(a)(6)(v), 71.5(b)]

The Permittee shall furnish to EPA, within a reasonable time, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the Permittee shall also furnish to the EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential should be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B. The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after this permit is issued.

IV.E. Submissions

[40 CFR sections 71.5(d), 71.6 and 71.9]

1. Any document required to be submitted with this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. All documents required to be submitted, including reports, test data, monitoring data, notifications, compliance certifications and fee calculation worksheets shall be submitted to:

EPA Region IX (Attn: Air Section, ENF-2-1)
75 Hawthorne Street
San Francisco, CA 94105

2. Electronic Submittal Option: In lieu of submitting documents in hardcopy according to Condition IV.E.1, the Permittee may submit documents electronically through the EPA's Compliance and Emissions Data Reporting Interface (CEDRI). CEDRI can be accessed through EPA's Central Data Exchange (CDX) at <https://cdx.epa.gov/>. Confidential Business Information (CBI) may not be submitted through CDX and must be submitted according to Condition IV.E.1. EPA continuously updates the CEDRI interface, and the Permittee may use the system in lieu of hardcopy submissions for any documents that the system will accept, including those required by 40 CFR 71.4(b)(12)(i) – Notification of 502(b)(10) changes, 40 CFR 71.5 – Title V permit applications, 40 CFR 71.6(a)(3)(iii)(A) – Semi-annual monitoring reports, and 40 CFR 71.6(c)(5)(iii) – Annual compliance certification reports.

IV.F. Severability Clause

[40 CFR 71.6(a)(5), PSD permit SE 87-01 Condition VII]

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

IV.G. Permit Actions

[40 CFR 71.6(a)(6)(iii)]

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

IV.H. Reopening for Cause

[40 CFR 71.7(f)]

1. EPA shall reopen and revise the permit prior to expiration under any of the following circumstances:
 - a. Additional applicable requirements under the Act become applicable to a major part 71 source with a remaining permit term of 3 or more years.
 - b. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

- c. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- d. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

IV.I. Property Rights

[40 CFR 71.6(a)(6)(iv)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

IV.J. Inspection and Entry

[40 CFR 71.6(c)(2), PSD permit SE 87-01 Condition V]

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives from EPA or the Cabazon Band of Mission Indians to perform the following:

- 1. Enter upon the Permittee's premises where a Part 71 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- 3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- 4. As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

IV.K. Emergency Provisions

[40 CFR 71.6(g)]

- 1. In addition to any emergency or upset provision contained in any applicable requirement, the Permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the Permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. an emergency occurred and that the Permittee can identify the cause(s) of the emergency;
 - b. the permitted facility was at the time being properly operated;
 - c. during the period of the emergency the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
 - d. the Permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain

a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements of Condition III.C.2 of this permit.

- e. In any enforcement proceeding the Permittee attempting to establish the occurrence of an emergency has the burden of proof.
2. An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

IV.L. Transfer of Ownership or Operation

40 CFR 71.7(d)(1)(iv), PSD permit SE 87-01 Condition VI]

1. A change in ownership or operational control of this facility may be treated as an administrative permit amendment if the EPA determines no other change in this permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new Permittee has been submitted to EPA.
2. In the event of any changes in control or ownership of facilities to be constructed or modified, PSD permit SE 87-01 shall be binding on all subsequent owners and operators. The applicant shall notify the succeeding owner and operator of the existence of this Approval to Construct/Modify and its conditions by letter, a copy of which shall be forwarded to the Regional Administrator, SCAQMD, and the Cabazon Band of Mission Indians.

IV.M. Off Permit Changes

[40 CFR 71.6(a)(12)]

The Permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

1. Each change is not addressed or prohibited by this permit.
2. Each change must comply with all applicable requirements and may not violate any existing permit term or condition;
3. Changes under this provision may not include changes or activities subject to any requirement under Title IV or that are modifications under any provision of Title I of the Clean Air Act;
4. The Permittee must provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under 40 CFR 71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change.
5. The permit shield does not apply to changes made under this provision;

6. The Permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

IV.N. Permit Expiration and Renewal

[40 CFR sections 71.5(a)(1)(iii), 71.6(a)(11), 71.7(b), 71.7(c)(1)(i) and (ii), 71.8(d)]

1. This permit shall expire upon the earlier occurrence of the following events:
 - a. five (5) years elapses from the date of issuance; or
 - b. the source is issued a part 70 permit by an EPA-approved permitting authority.
2. Expiration of this permit terminates the Permittee's right to operate unless a timely and complete permit renewal application has been submitted on or before a date 6 months, but not more than 18 months, prior to the date of expiration of this permit.
3. If the Permittee submits a timely and complete permit application for renewal, consistent with 40 CFR 71.5(a)(2), but the permitting authority has failed to issue or deny the renewal permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield granted pursuant to 40 CFR 71.6(f) may extend beyond the original permit term until renewal.
4. The Permittee's failure to have a Part 71 permit is not a violation of this part until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.
5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation, affected State, and tribal review.
6. The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

IV.O. Administrative Permit Amendments

[40 CFR 71.7(d)]

1. The Permittee may request the use of administrative permit amendment procedures for a permit revision that:
 - a. Corrects typographical errors.
 - b. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source.
 - c. Requires more frequent monitoring or reporting by the Permittee.
 - d. Allows for a change in ownership or operational control of a source where the EPA determines that no other change in the permit is necessary, provided that a written

agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new Permittee has been submitted to the EPA.

- e. Incorporates into the part 71 permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of 40 CFR 71.7 and 71.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in 40 CFR 71.6.
- f. Incorporates any other type of change which EPA has determined to be similar to those listed above in subparagraphs (a) through (e).

IV.P. Minor Permit Modifications

[40 CFR sections 71.7(e)(1), 71.7(e)(1)(vi)]

1. The Permittee may request the use of minor permit modification procedures only for those modifications that:
 - a. Do not violate any applicable requirement.
 - b. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit.
 - c. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.
 - d. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
 - (1) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and
 - (2) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Clean Air Act:
 - (i) Are not modifications under any provision of title I of the Clean Air Act; and
 - (ii) Are not required to be processed as a significant modification.
2. Notwithstanding the list of changes eligible for minor permit modification procedures in paragraph (1) above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

3. An application requesting the use of minor permit modification procedures shall meet the requirements of 40 CFR 71.5(c) and shall include the following:
 - a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 - b. The source's suggested draft permit;
 - c. Certification by a responsible official, consistent with 40 CFR 71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
 - d. Completed forms for the permitting authority to use to notify affected States as required under 40 CFR 71.8.
4. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by 40 CFR 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.
5. The permit shield under 40 CFR 71.6(f) may not extend to minor permit modifications.

IV.Q. Group Processing of Minor Permit Modifications

[40 CFR sections 71.7(e)(2), 71.7(e)(1)(vi)].

1. Group processing of modifications by EPA may be used only for those permit modifications:
 - a. That meet the criteria for minor permit modification procedures under paragraphs IV.I. (a) of this permit; and
 - b. That collectively are below the threshold level of 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in 40 CFR 71.2, or 5 tons per year, whichever is least.
2. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of 40 CFR 71.5(c), and shall include the following:
 - a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.
 - b. The source's suggested draft permit.
 - c. Certification by a responsible official, consistent with 40 CFR 71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.

- d. A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subparagraph (a)(ii) above.
 - e. Completed forms for the permitting authority to use to notify affected States as required under 40 CFR 71.8.
3. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by 40 CFR 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.
 4. The permit shield under 40 CFR 71.6(f) may not extend to group processing of minor permit modifications.

IV.R. Significant Permit Modifications

[40 CFR sections 71.7(e)(3), 71.7(e)(3)(ii), 71.5(a)(2)]

1. The Permittee must request the use of significant permit modification procedures for those modifications that:
 - a. Do not qualify as minor permit modifications or as administrative amendments.
 - b. Are significant changes in existing monitoring permit terms or conditions.
 - c. Are relaxations of reporting or recordkeeping permit terms or conditions.
2. Nothing herein shall be construed to preclude the Permittee from making changes consistent with part 71 that would render existing permit compliance terms and conditions irrelevant.
3. Permittees must meet all requirements of part 71 for applications for significant permit modifications. For the application to be determined complete, the Permittee must supply all information that is required by 40 CFR 71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change.

IV.S. Operational Flexibility - 502(b)(10) Changes

[40 CFR 71.6(a)(13)(i)]

1. The Permittee is allowed to make a limited class of changes under Section 502(b)(10) of the Clean Air Act within this permitted facility that contravene the specific terms of this permit without applying for a permit revision, provided the changes do not exceed the emissions allowable under this permit (whether expressed therein as a rate of emissions or in terms of total emissions) and are not Title I modifications. This class of changes does not include:
 - a. Changes that would violate applicable requirements; or

- b. Changes that would contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
- 2. The Permittee is required to send a notice to EPA at least 7 days in advance of any change made under this provision. The notice must describe the change, when it will occur and any change in emissions, and identify any permit terms or conditions made inapplicable as a result of the change. The Permittee shall attach each notice to its copy of this permit.
- 3. Any permit shield provided in this permit does not apply to changes made under this provision.

Attachment A

“Monitoring and Enforcement Agreement”

MONITORING AND ENFORCEMENT AGREEMENT

COLMAC ENERGY, INC.

MECCA BIOMASS PLANT

RIVERSIDE COUNTY, CALIFORNIA

MAY 10, 1989

**Colmac Energy, Inc. Biomass-Fueled Energy Project
Cabazon Indian Reservation**

Monitoring and Enforcement Agreement

RECITALS

WHEREAS, on March 10, 1987, Colmac Energy, Inc. ("Colmac") applied to the United States Environmental Protection Agency ("EPA") for an authority to construct and operate a biomass-fueled energy project ("the Project") to be located on the Reservation of the Cabazon Band of Mission Indians near Mecca, Riverside County, California ("the Reservation");

WHEREAS, the South Coast Air Quality Management District ("SCAQMD") acknowledges that, except as provided in this Agreement, current statutory and case law regarding District permitting and enforcement authority on an Indian reservation is complex and implies a lack of such authority with regard to the activities occurring on the Cabazon Reservation;

WHEREAS, in recognition of that situation, SCAQMD, acting through its District Counsel, agreed with Colmac on January 22, 1987, to accept a permitting protocol developed in cooperation with EPA and Colmac recognizing that the EPA would act as the sole permit issuing agency for the Colmac Project;

WHEREAS, the SCAQMD's acceptance of the permitting protocol was founded upon the assumption that the Colmac Project would meet the substantive provisions of the SCAQMD rules and regulations which would otherwise apply if the Project were not located on the Reservation.;

WHEREAS, the SCAQMD participated in the EPA permit process, including numerous meetings with Colmac, EPA, the California Air Resources Board (ARB) and others concerning the appropriate emission limitations, best available control technology, offsets and other provisions of the permit;

WHEREAS, on June 28, 1988, EPA issued a final permit ("the EPA permit"), under authority granted to EPA by the Clean Air Act, to Colmac authorizing Colmac to construct and operate the proposed Project (hereinafter referred to as the "Facility" or the "Project") subject to certain conditions regarding emission limitations, monitoring, reporting, entry and inspection, source testing, offsets and other matters;

WHEREAS, the County of Riverside (County) and the Coachella Valley Association of Governments (CVAG) petitioned the Administrator for review of the permit on July 28, 1988;

WHEREAS, the EPA Administrator denied the petition on December 12, 1988, and the permit remains in full force and effect;

WHEREAS, the County and CVAG have expressed their concerns that the present plan for offsetting emissions from the Facility by purchasing agricultural waste from Imperial County and the Palo Verde area will not sufficiently maintain or improve air quality within the Coachella Valley area;

WHEREAS, the SCAQMD acknowledges that the offsets to be provided by Colmac pursuant to the EPA permit meet the requirements of the ARB/CAPCOA Protocol dated June 21, 1984, as interpreted for application to biomass-to-energy projects for which applications for permits to construct were deemed complete prior to June 9, 1988. That protocol was approved by the Air Resources Board in accordance with Health and Safety Code Section 41605.5. SCAQMD further acknowledges that the EPA determined the date of completeness of Colmac's application to be June 10, 1987. The County and CVAG accept SCAQMD's acknowledgement as correct;

WHEREAS, Colmac has agreed to contribute to a Coachella Valley Air Quality Enhancement Fund to be established and administered by the County of Riverside, in consultation with the SCAQMD and CVAG, which fund will be used to finance or subsidize air quality improvement projects in the Coachella Valley for the purpose of achieving emission reductions which would result in air quality improvements in the Coachella Valley and which reductions could be substituted for certain emission offsets provided by reductions in open field burning as required by the EPA permit;

WHEREAS, the SCAQMD has expressed its concern that location of the Project on the Reservation removes the Project from the jurisdiction and regulatory control of the SCAQMD and has requested evidence and additional assurance from Colmac that it will comply with SCAQMD requirements regarding emission levels, offsets, and best available control technology;

WHEREAS, Colmac has expressed its willingness to agree that the provisions of the EPA permit may be monitored and enforced by the SCAQMD pursuant to this Agreement;

WHEREAS, counsel and representatives of EPA, SCAQMD, Colmac, the Cabazon Band, the County of Riverside and CVAG have met and conferred regarding the provisions of an agreement which could provide such assurances;

WHEREAS, the intent of the parties is that this Agreement shall establish a monitoring and enforcement procedure that is in material respects equivalent to the procedures and remedies which would otherwise be available and applied to sources subject to SCAQMD jurisdiction; and

WHEREAS, the parties agree that monitoring, enforcement or other regulatory actions of the SCAQMD or its Board with regard to the Colmac Project and the Cabazon Band should not be discriminatory and are intended to be neither more nor less stringent than applied to sources normally and otherwise subject to SCAQMD jurisdiction;

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises set forth below, the parties hereto agree as follows:

1. Colmac agrees to comply with the requirements listed in Attachment 1 hereto, the provisions of the EPA permit (including but not limited to provisions relating to emission controls, Best Available Control Technology, and offsets) and rules adopted or amended by SCAQMD in the future which meet the requirements of paragraph 5, SCAQMD acknowledges that such compliance is substantially and sufficiently equivalent to compliance with the substantive requirements of the rules and regulations of the SCAQMD and applicable provisions of the Health and Safety Code.

2. EPA intends to appoint the Executive Officer of the SCAQMD or his designated representative as the authorized representative of EPA for purposes of exercising the authorities regarding monitoring, entry and inspection set forth in paragraph V and other applicable provisions of the EPA permit. Such delegation shall be consistent with the current SCAQMD/EPA Enforcement Agreement.

3. Following appointment of SCAQMD as set forth in paragraph 2, the Cabazon Band agrees to allow entry onto the Reservation by SCAQMD staff acting as authorized representatives of EPA solely for purposes of conducting customary monitoring and inspection activities related to enforcement of the terms of the EPA permit and other requirements set forth in paragraph 1 of this Agreement for the Colmac Project. SCAQMD will provide EPA, Colmac, and the Cabazon Band with a list of identified personnel authorized to carry out duties requiring entry onto the Reservation. Only listed personnel (including consultants under contract to the SCAQMD performing source testing duties) of the SCAQMD shall be authorized to enter the Reservation for inspections carried out by the SCAQMD. Only personnel customarily assigned engineering evaluation, enforcement authority or source emissions testing duties shall be so listed. Inspections shall be preceded by reasonable notice to the Cabazon Band and Colmac if such notice would ordinarily be given to operators of industrial facilities subject to an SCAQMD Permit to Construct or Permit to Operate. Nothing in this paragraph shall be construed to prevent or prohibit unannounced, surprise inspections to the extent that such inspections are the customary practice of SCAQMD.

4. In the event the SCAQMD determines, based upon monitoring reports, authorized inspections, or other evidence, that one or more provisions of the EPA permit, or of the requirements listed in Attachment 1 hereto, or any other rule or regulation applicable to the Project pursuant to paragraph 5, may have been violated, the SCAQMD may proceed to issue a notice of violation and take enforcement action against Colmac in the same manner and pursuant to the same policies, including the policies in the applicable SCAQMD/EPA Enforcement Agreement, as it would ordinarily follow in the case of violations established for permitted industrial sources subject to SCAQMD jurisdiction. SCAQMD agrees that Colmac shall be able to utilize all administrative consultation and appeals procedures, including applications for variances and interim variances, that are otherwise available to similar or analogous industrial sources subject to SCAQMD jurisdiction. The SCAQMD shall assert any nuisance violations in accordance with the same policies, procedures, and limitations that the SCAQMD customarily applies to such violations. Nothing herein is intended to authorize the SCAQMD to take action to revoke or suspend the EPA permit, provided, however, that SCAQMD may request EPA to revoke the permit in accordance with EPA procedures regarding permit revocation based upon a violation of the EPA permit.

5. Colmac agrees to comply with new or amended regulations of the SCAQMD which result in required reductions in emissions from any article, machine, equipment, or contrivance within the Project provided that the new or amended rule:

- (A) does not discriminate against Colmac or the Cabazon Band and is applicable to, or no more stringent than other rules applicable to, other similar or analogous stationary sources subject to the SCAQMD jurisdiction, and
- (B) is necessary for the attainment or maintenance of state or federally mandated air pollution requirements in the Southeast Desert Air Basin; and

- (C) does not relate to emission offsets or type of fuel burned in the Facility, and
- (D) recognizes and fairly considers Colmac's prior investment in basic and control equipment by including a schedule for compliance with the rule requirements which reflects a consideration of the adverse effect on the ability of Colmac to amortize the capital costs of basic and pollution control equipment purchased and installed within the preceding five years.

6. SCAQMD intends to propose and consider adoption of a rule requiring persons operating equipment pursuant to an EPA permit heretofore or hereafter granted by EPA to comply at all times with the conditions contained in that permit. If such rule is adopted, SCAQMD may directly enforce the EPA permit issued to Colmac Energy, Inc., as set forth below in paragraphs 7 and 8. Colmac and the Cabazon Band hereby agree not to oppose the adoption and implementation of such a rule. If the rule is not adopted, SCAQMD will be allowed to enforce to EPA permit only indirectly, through citizen suit provisions of Section 304 of the Clean Air Act, or such other remedies as Congress may hereafter provide.

7. It is agreed by the parties that judicial enforcement of violations by SCAQMD shall be conducted in the following manner:

- (A) SCAQMD agrees that it will apply its enforcement action commencement and settlement policies to the Colmac Project in a manner that does not improperly discriminate against the Project or the Cabazon Band relative to other similar or analogous sources, and in a manner which is consistent with the SCAQMD/EPA Enforcement Agreement.
- (B) Except in the case of a request for a temporary restraining order to require a non-compliant activity to cease, SCAQMD shall provide to the Cabazon Band of Mission Indians at least 10 days prior notice of intent to file any action in state court against Colmac.
- (C) The parties hereto acknowledge that this Agreement is executed in the County of Los Angeles, except as to the Cabazon Band, which has executed this agreement within the Cabazon Reservation, and that any action by SCAQMD to enforce any provision of this Monitoring and Enforcement Agreement, any provision of the EPA permit, or any rule or regulation of the SCAQMD applicable pursuant to this Agreement, shall be brought in the Municipal or Superior Court (as applicable) in and for the County of Los Angeles. No party to this Agreement may plead any objection to the jurisdiction of that court or the propriety of the venue in the County of Los Angeles, or petition a federal court for removal of such action.
- (D) Nothing herein limits whatsoever rights the Cabazon Band may have to remove an enforcement action to federal court provided that the following conditions are met:

- (1) that such removal is limited solely to challenging the validity of the application to the Colmac facility of any rule, regulation, or standard not in effect at the time this agreement became effective, and
 - (2) such removal is based upon the allegation that the rule, regulation, or standard illegally infringes upon rights held by the Cabazon Band pursuant to its lease with Colmac or pursuant to its federally guaranteed tribal sovereignty.
- (E) In the event that the applicable court in and for the County of Los Angeles will not hear such action, then the parties to such action agree to stipulate to the cause being heard by a temporary judge in the County of Los Angeles pursuant to Article 6, Section 21 of the California Constitution and Rule 244 of the California Rules of Court. In the event the procedure provided by those provisions is made unavailable by acts of the courts or the legislature, it is the intent of the parties to agree on a method of dispute resolution that will assure all parties a fair and impartial hearing by a neutral judge or presiding officer. If the parties are unable to agree upon such a judge or presiding officer, then the matter shall be referred to binding arbitration pursuant to Code of Civil Procedure Section 1280, et seq.
- (F) SCAQMD agrees that no enforcement actions will be sought against the Cabazon Band under this Agreement. Nothing in this Agreement shall be interpreted to preclude intervention by the Cabazon Band in any enforcement action instituted by any of the parties hereto, subject to the other provisions of this paragraph. Neither Colmac nor the Cabazon Band shall assert that the SCAQMD's failure to name the Cabazon Band or the United States as a party in an enforcement action renders such action defective, nor shall the Cabazon Band or Colmac assert the sovereign immunity of the Cabazon Band or the United States as a defense to an enforcement action brought against Colmac by the SCAQMD pursuant to this Agreement or to any other action to enforce the terms of this Agreement.

8. Colmac and the Cabazon Band of Mission Indians hereby consent to the SCAQMD exercise of the following authorities, with the limitation that such authorities may be exercised solely against Colmac Energy, Inc., its officers and employees, for matters arising from non-compliance of the Colmac Facility with conditions of its EPA permit or SCAQMD rules which may be applicable pursuant to paragraph 5:

- (A) orders for abatement as provided by Health and Safety Code Sections 42450-42452,
- (B) actions for civil penalties as provided in Health and Safety Code Sections 42401-42403 and Sections 42404 and 42405,
- (C) actions for criminal penalties as provided in Health and Safety Code Sections 42400-42400.2,
- (D) actions for injunctive relief pursuant to Health and Safety Code Section 41513 or Sections 42453 and 42454.

The statute of limitations applicable to actions brought hereunder shall be the same as would otherwise apply to enforcement actions instituted by the SCAQMD against persons or activities not located on the Reservation. Except as SCAQMD authority may be imposed upon Colmac and the Project pursuant to this Agreement, this Agreement shall in no way be construed to grant SCAQMD, the State of California, the County, or CVAG, any jurisdiction, rule applicability, permitting, taxation, or other authority over the Cabazon Band of Mission Indians or its members, or activities, equipment, enterprises or other ventures located or conducted on the Reservation by the Cabazon Band of Mission Indians, the members thereof, or others.

9. (A) Colmac acknowledges that the purpose of this Agreement is to allow the SCAQMD to assure that the Facility will be constructed and operated in accordance with the EPA permit and District rules applicable pursuant to this Agreement, not merely to authorize the District to take action against the corporate entity named Colmac Energy, Inc. For that reason, Colmac expressly agrees that the provisions of this Agreement shall apply to any successors in interest or co-owners or co-operators of the Facility, except as applied to the Cabazon Band as set forth below in subparagraph b. Colmac agrees to make compliance with and consent to the conditions of this Agreement a condition of any transfer or sharing of ownership or operation, and acknowledges that the SCAQMD, County, and CVAG are third party beneficiaries of any agreement to transfer or share control, ownership, or operation of the Facility to the extent that such transfer affects the matters covered by this agreement.
 - (B) In the event that the Cabazon becomes a successor in interest, co-owner of a majority interest in the Facility, or operator in fact of the Facility, Cabazon agrees:
 - (1) that the substantive standards, monitoring and inspection provisions of this Agreement shall remain in full force and effect and will be binding on the Cabazon Band, and
 - (2) that in lieu of the enforcement procedures set forth in this Agreement, the Parties will negotiate in good faith to establish mutually acceptable enforcement procedures that will thereafter apply to the Cabazon Band's ownership or operation of the facility.
 - (C) In the event that the Cabazon Band becomes co-owner with less than 50% ownership, or is not the operator in fact of the facility, Cabazon agrees that the provisions of this Agreement remain in full force and effect and are binding on the Project.
10. SCAQMD agrees:
 - (A) not to assert permitting authority over the Project, or any modifications thereto, unless such permitting authority is granted by a future action of Congress.
 - (B) that in the event permitting authority may be asserted over the Project pursuant to subparagraph (A) above, the Project will be treated as an existing source constructed pursuant to a valid permit to construct,

and not subject to review as a new source under SCAQMD new source review rules. Except as necessary to comply with the provisions of paragraphs 13, 15, and/or 16, Colmac agrees that any amendment or modification to the permit previously issued by the Administrator will comply with those SCAQMD rules and regulations which are applicable to the Colmac project pursuant to this Agreement. Colmac further agrees to notify and consult with the SCAQMD with respect to any request to modify or amend the EPA permit. EPA agrees to consider the comments of the SCAQMD and Colmac's assurances under this Agreement prior to taking action with respect to any modification or amendment to the permit.

11. Colmac agrees to reimburse the SCAQMD for monitoring and inspection activities pursuant to this Agreement by the payment of fees to the SCAQMD (except fees relating to the filing of applications for and evaluation of permits to construct or operate). The amounts to be paid shall be the same as would be charged by SCAQMD to any other facility not located on the Reservation, including fees as set forth in SCAQMD Rules 301, 301.1, 301.2, 303, 304, 304.1, 305, 306, and 307, as amended from time to time, and such other fee rules of general applicability as may be adopted in the future.

12. Notwithstanding the provisions of this Agreement, EPA retains and may exercise whatever authority it has under the Clean Air Act, including but not limited to, its authority regarding monitoring, inspection, and enforcement or other matters covered by this Agreement. Once the delegation described in paragraph 2 above is complete, EPA intends that its exercise of enforcement authority with respect to the project will be consistent with the applicable SCAQMD/EPA Enforcement Agreement.

13. Colmac will fund a Coachella Valley air quality enhancement program fund ("enhancement fund") to compensate for effects on Coachella Valley air quality caused by operation of the Colmac Facility. The County, in consultation with CVAG and SCAQMD, will identify and develop measures which will contribute to maintenance and enhancement of Coachella Valley air quality, and will administer the program. Colmac shall contribute to the fund as follows:

- (A) For a ten year period, Colmac will pay \$250,000.00 per year to the enhancement fund from operational cash flow, commencing on the last day of the first full year of operation of the Facility. ~~These sums will be paid in lieu of offsets derived from that portion of agricultural waste originating from outside of the Coachella Valley which Colmac has contracted to purchase pursuant to contractual provisions which permit Colmac to terminate such purchases at will.~~
- (B) Colmac further agrees to contribute a portion of its avoided transportation costs for facility fuel obtained through a landfill diversion program, as follows:
 - (1) On the condition that Riverside County assists Colmac in establishing a Coachella Valley landfill diversion program for appropriate fuels, Colmac agrees to obtain wood wastes that would otherwise have been disposed of in Coachella Valley landfills. Colmac shall take all measures necessary to ensure that wood wastes obtained pursuant to the landfill diversion program meet the requirements of Section IX D (2) of the permit. Colmac anticipates that it will substitute this land fill

wood waste for wood wastes that it otherwise would have obtained from more distant locations. Colmac further anticipates that this substitution will produce net transportation cost savings, which it estimates will total at least \$100,000.00 per year during the first ten years of the Facility's operation.

- (2) Colmac agrees that it will contribute to the enhancement fund fifty percent (50%) of this transportation cost savings per year for a ten year period. Colmac shall maintain records detailing the cost savings described above and present them annually to the County. Colmac and the County shall confer to determine the amount of annual net transportation cost savings. Payments shall be made at the same time payment is made under subparagraph 13(A).

- (3) In calculating the net transportation cost savings, the parties shall be guided by the following understanding:

- (a) Colmac presently intends to obtain approximately 80,000 tons of offset agricultural waste per year from Imperial County. Should Colmac obtain less than 80,000 tons per year, it shall be understood that Colmac replaced that reduction in Imperial County purchases by obtaining wood waste that would otherwise be disposed of at Coachella Valley landfills. Thus, net transportation cost savings shall mean the highest transportation cost per ton of delivering agricultural waste from Imperial County less the average transportation cost per ton of delivering wood waste diverted from Coachella Valley landfills, multiplied by the amount of fuel obtained from the landfills.

- (b) Colmac also presently intends to purchase wood waste from Los Angeles and Riverside counties. Should Colmac obtain more wood waste through diversion from Coachella Valley landfills than the amount needed to replace its reduced purchases of fuel from Imperial County pursuant to subparagraph (a), it shall be understood that the amount by which the fuel diverted from the landfills exceeds this reduction in Imperial County fuel has replaced an equivalent amount of wood waste from vendors in Los Angeles and Riverside counties. Thus, the transportation cost savings associated with this amount of fuel shall mean the cost per ton of obtaining this amount of fuel from the location with the highest transportation costs in Los Angeles and Riverside counties, less the average transportation costs per ton of delivering the wood waste diverted from the Coachella Valley landfills, multiplied by the amount of such fuel obtained from the landfills.

- (c) In calculating the amounts of fuel in subparagraphs (a) and (b), the parties shall translate tonnage into energy content, so that different types of fuel may be compared on the basis of energy content rather than weight.

- (C) Should a dispute arise concerning an amount payable by Colmac pursuant to subparagraph 13(B), the parties shall refer the matter to binding arbitration pursuant to Code of Civil Procedures 1280 et seq. or another dispute resolution mechanism agreed upon by Colmac and the County.

14. Colmac agrees to use its best efforts to acquire, through agreements negotiated with farmers located in the Coachella Valley, agricultural waste that would otherwise have been burned in the open field, but could, consistent with sound agricultural practices, be obtained by Colmac and burned in the Colmac Facility. The County agrees to assist Colmac in its local efforts by directly encouraging farmers to provide, under appropriate terms, access by Colmac to agricultural waste that would otherwise have been burned in the open field.

15. The parties agree not to oppose a modification of the EPA permit as may be necessary to permit Colmac to reduce that portion of agricultural waste open field burning offsets from Imperial County and Palo Verde Valley for which contracts can be terminated by Colmac at will. Colmac shall substitute for that reduction in the required offsets a ten year annual payment of \$250,000.00 as set forth in paragraph 13(A) of this Agreement. The parties also agree not to oppose a modification of the EPA permit to reduce allowable emissions from the project to reflect actual project emissions. If allowable emissions are reduced, required offsets may also be appropriately reduced, except that the payments required by paragraph 13 shall not be reduced.

16. The parties agree that at the end of the ten year period, Colmac will continue to fully offset emissions from the Project. The offset requirements applicable to the Facility may, at Colmac's option, be satisfied through a combination of some or all of the following:

- (A) obtaining of agricultural waste originating from within Coachella Valley consistent with limitations for such purchases set forth in paragraph 14;
- (B) to the extent that agricultural waste is not available within the Coachella Valley, obtaining of agricultural waste originating outside of Coachella Valley;
- (C) continued funding of the air quality enhancement program described in paragraph 13; and
- (D) other means of validly offsetting emissions from the Project.

In the event that at the end of ten years Colmac provides offsets only as described in Options (A) and (B) of this paragraph, the permit shall be modified to reinstate the offset provisions in the permit as originally issued. To the extent that offsets continue to be provided pursuant to Option (C), contribution to an enhancement fund, such payments shall be made in lieu of offsets in the same manner as established by paragraph 13 of this Agreement. To the extent that offsets are provided by Option (D), other means of validly

offsetting the project, such offsets shall conform to EPA and SCAQMD rules and regulations relating thereto, which would apply to a similar project for which the application was deemed complete on June 10, 1987, and for which the permit to construct was issued June 28, 1988. In the event that Option (C) or (D) is followed, the parties agree not to oppose such permit modifications as are necessary to reflect the chosen offset package.

17. The SCAQMD agrees to withdraw any further objection to the previously issued EPA permit and its provisions and agrees not to participate in or support any litigation or proceeding challenging or seeking to change or set aside the permit or the Project. Furthermore, SCAQMD agrees to release, acquit, and discharge Colmac and its employees, officers, and directors from all liabilities, claims, causes of action, damages, and costs (including cost of suit and attorney's fees and expenses) arising out of facts known, or which should have reasonably been ascertained, prior to the date of execution of this Agreement, concerning any and all disputes over the development of the Colmac facility. Nothing in this paragraph shall be construed as preventing the SCAQMD from challenging any future modifications to that permit, unless such modifications are consistent with and meet the applicable requirements of paragraphs 10, 13, 15, and 16 of this Agreement.

18. The County and CVAG agree to withdraw any further objection to the EPA permit and its provisions; agree to withdraw their petition for review of the issuance of that permit; agree to forego any further challenge to the Decision No. 89-04-081 of the CPUC in proceeding No. 87-11-013, and to not appeal that decision. The County and CVAG further agree, to the extent that such cause arises from facts known, or which should have reasonably been ascertained, prior to the date of execution of this Agreement, not to institute any further administrative or judicial proceeding related to government approvals necessary for construction and operation of the Project consistent with this Agreement. Furthermore, the County and CVAG agree to release, acquit, and discharge Colmac and its employees, officers, and directors from all liabilities, claims, causes of action, damages, and costs (including cost of suit and attorney's fees and expenses) arising out of facts known, or which should have reasonably been ascertained, prior to the date of execution of this Agreement, concerning any and all disputes over the development of the Colmac facility. Nothing in this paragraph prevents the County and/or CVAG from challenging any future modifications to the previously issued EPA permit, unless such modifications are consistent with and meet the requirements of paragraphs 10, 13, 15, and 16 of this Agreement.

19. Colmac agrees to release, acquit, and discharge the SCAQMD, the County, CVAG and the present and past officials of these entities, from all liabilities, claims, causes of action, damages, and costs (including costs of suit and attorney's fees and expenses) arising out of facts known, or which should have reasonably been ascertained, prior to the date of execution of this Agreement, concerning any and all disputes over the regulatory and permitting approval of the Colmac facility.

20. If any action (except for enforcement actions filed by SCAQMD) is filed to enforce any provision of this Agreement, the prevailing party or parties shall be entitled to recover reasonable attorney's fees in addition to any other relief to which it may be entitled. Each party was represented by an attorney in the negotiation and execution of this Agreement.

21. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

22. The term of this Agreement shall be for, and this Agreement shall be operative for, the duration of operation of the Project. This agreement shall be effective upon the

latest date of execution by the SCAQMD, Colmac, the County, CVAG, and the Cabazon Band. The parties agree to work together in good faith to secure the execution of or consent to the Agreement by the EPA. The parties also agree to work together in good faith to secure the consent of the Bureau of Indian Affairs of the U.S. Department of the Interior (BIA) to this Agreement, to the extent that such consent is determined by the Parties and the BIA to be necessary or appropriate.

23. This Agreement may be amended only upon the written consent of all the parties hereto.

24. This Monitoring and Enforcement Agreement contains the entire agreement of the parties hereto with respect to the matters covered by this Monitoring and Enforcement Agreement, and no other statement, agreement, or promise made by any party, officer, or agent of any party shall be valid or binding.

25. Each of the undersigned represents to each of the other parties that (s)he is duly authorized and has the authority to execute this agreement on behalf of the party for whom (s)he is signing.

ACKNOWLEDGED AND AGREED TO BY THE FOLLOWING PARTIES:

South Coast Air Quality Management District, by:

(Name)
(Title)

(Date)

Colmac Energy, Inc., by:

(Name)
(Title)

(Date)

Cabazon Band of Mission Indians, by:

(Name)
(Title)

(Date)

County of Riverside, by:

(Name)
(Title)

(Date)

Coachella Valley Association of Governments, by:

Patricia A. Larson
(Name) PATRICIA A. LARSON,
(Title) Chairman Coachella Valley Association
of Governments

MAY 16 1989

(Date)

ACKNOWLEDGED AND AGREED TO BY THE FOLLOWING PARTIES:

South Coast Air Quality Management District, by:

(Name)
(Title)

(Date)

Colmac Energy, Inc., by:

(Name)
(Title)

(Date)

Cabazon Band of Mission Indians, by:

(Name)
(Title)

(Date)

County of Riverside, by:

Kay Cenicerros
(Name) KAY CENICERROS,
(Title) Chairman, Board of Supervisors
of the County of Riverside

May 18, 1989
(Date)

Coachella Valley Association of Governments, by:

(Name)
(Title)

(Date)

ACKNOWLEDGED AND AGREED TO BY THE FOLLOWING PARTIES:

South Coast Air Quality Management District, by:

(Name)
(Title)

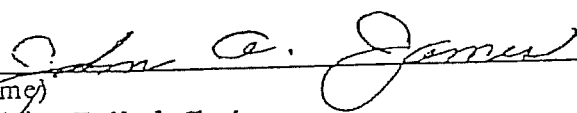
(Date)

Colmac Energy, Inc., by:

(Name)
(Title)

(Date)

Cabazon Band of Mission Indians, by:



(Name)
(Title)

Tribal Chairman

May 15, 1989
(Date)

County of Riverside, by:

(Name)
(Title)

(Date)

Coachella Valley Association of Governments, by:

(Name)
(Title)

(Date)

ACKNOWLEDGED AND AGREED TO BY THE FOLLOWING PARTIES:

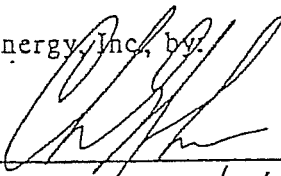
South Coast Air Quality Management District, by:

(Name)
(Title)

(Date)

Colmac Energy, Inc., by:

(Name)
(Title)


Vice president

(Date)

5/10/89

Cabazon Band of Mission Indians, by:

(Name)
(Title)

(Date)

County of Riverside, by:

(Name)
(Title)

(Date)

Coachella Valley Association of Governments, by:

(Name)
(Title)

(Date)

ACKNOWLEDGED AND AGREED TO BY THE FOLLOWING PARTIES:

South Coast Air Quality Management District, by:

Curtis L. Coleman
(Name)
(Title)

5-22-89
(Date)

APPROVED AS TO FORM

Curtis L. Coleman
CORTIS L. COLEMAN DATE 5-16-89
DISTRICT COUNSEL, SCAQMD

Colmac Energy, Inc., by:

(Name)
(Title)

(Date)

Cabazon Band of Mission Indians, by:

(Name)
(Title)

(Date)

County of Riverside, by:

(Name)
(Title)

(Date)

Coachella Valley Association of Governments, by:

(Name)
(Title)

(Date)

The following agencies, though not parties, have reviewed this agreement and do not object to its terms:

U.S. Department of the Interior,
Bureau of Indian Affairs, by:

(Name)
(Title)

(Date)

United States Environmental Protection Agency, by:

Nancy Howel
(Name)
(Title) *DIRECTOR, AIR & TOXICS DIV*

6/1/89
(Date)

ACKNOWLEDGED AND AGREED TO BY THE FOLLOWING PARTIES:

South Coast Air Quality Management District, by:

(Name)
(Title)

(Date)

Colmac Energy, Inc., by:

(Name)
(Title)

(Date)

Cabazon Band of Mission Indians, by:

(Name)
(Title)

(Date)

County of Riverside, by:

(Name)
(Title)

(Date)

Coachella Valley Association of Governments, by:

(Name)
(Title)

(Date)

The following agencies, though not parties, have reviewed this agreement and do not object to its terms:

U.S. Department of the Interior,
Bureau of Indian Affairs, by:

(Name)
(Title)

(Date)

United States Environmental Protection Agency, by:

(Name)
(Title)

(Date)

ATTACHMENT 1

RULES WHICH APPLY TO COLMAC BIOMASS-TO-ENERGY PROJECT [as of June 28, 1988]

Rule 102 - Definition of Terms
Rule 103 - Definition of Geographical Areas
Rule 104 - Reporting of Source Test Data and Analyses
Rule 105 - Authority to Arrest
Rule 106 - Increments of Progress
Rule 217 - Provision of Sampling and Testing Facilities
Rule 218 - Stack Monitoring
Rule 401 - Visible Emissions
Rule 402 - Nuisance
Rule 403 - Fugitive Dust
Rule 404 - Particulate Matter - Concentration
Rule 405 - Solid Particulate Matter - Weight
Rule 407 - Liquid and Gaseous Air Contaminants
Rule 408 - Circumvention
Rule 409 - Combustion Contaminants
Rule 430 - Breakdown Provisions
Rule 431 - Sulfur Content of Fuels
Rule 431.1 - Sulfur Content of Gaseous Fuels
Rule 431.2 - Sulfur Content of Liquid Fuels
Rule 442 - Usage of Solvents
Rule 443 - Labeling of Solvents
Rule 433.1 - Labeling of Materials Containing Organic Solvents
Rule 444 - Open Fires
Rule 473 - Disposal of Solid and Liquid Wastes
Rule 475 - Electric Power Generating Equipment
Rule 476 - Steam Generating Equipment

SCAQMD REGULATIONS WHICH APPLY TO COLMAC

SCAQMD Regulation V - Procedure Before the Hearing Board
SCAQMD Regulation VII - Emergencies
SCAQMD Regulation VIII - Orders of Abatement
SCAQMD Regulation IX - New Source Performance Standards
(As applicable to Colmac facility)
SCAQMD Regulation X - National Emission Standards for Hazardous Air Pollutants
(As applicable to activities at Colmac facility)

CALIFORNIA HEALTH AND SAFETY CODE SECTIONS WHICH APPLY TO COLMAC

Section 41700
Section 41701
Section 41702
Section 41704
Section 42301.5 (except as provided in paragraph 5)
Section 42303
Sections 42350-42364

ATTACHMENT B
MONITORING AND ENFORCEMENT

ATTACHMENT B
MONITORING AND ENFORCEMENT PROGRAM
FOR MITIGATION MEASURES IN EIS

1.0 Water Resources

- 1.1 Colmac shall conduct quarterly laboratory analysis of its industrial wastewater to include pH and the following constituents:

Total Dissolved Solids	Arsenic
Sulfates	Barium
Iron	Cadmium
Copper	Lead
Chloride	Mercury
Manganese	Selenium
Zinc	Silver
Total Chromium	

or any other chemical which the Colorado River Regional Water Quality Board shall reasonably recommend. These analyses shall be forwarded to the Colorado River Regional Water Quality Board.

- 1.2 Well drilling plans shall be checked and approved by a qualified member of the BIA/Cabazon independent Construction Monitoring Team. Well drilling shall be in accordance with such approvals.

- 1.3 Pumping rates of wells shall be approved by a qualified member of the BIA/Cabazon independent Construction Monitoring Team, based on test well data.

- 1.4 Colmac shall provide well production data to the Coachella Valley Water District annually.

- 1.5 Colmac shall annually test underground aquifers and project area soils for selenium and other toxics, and report such findings to the Colorado River Regional Water Quality Board.

4.2 Plans for the onsite fire protection system, to include dust suppression sprays for fuel storage areas and dust control measures for fuel handling systems, shall be approved by a fire safety specialist on the Construction Monitoring Team prior to initial operation of the plant after consultation with the Mecca Fire District.

4.3 The cooperative agreement with the Mecca Fire District shall permit periodic and unannounced inspection of the plant, its chemical storage, and storage and fuel handling operations by the Mecca Fire District inspectors.

4.4 A field noise study shall be conducted by a qualified acoustical engineer on the Construction Monitoring Team and noise levels shall be approved or further mitigation measures recommended and incorporated prior to initial operation of the project.

5.0 Worker Health and Safety

5.1 A soil study shall be completed by a qualified soils engineer, part of the Construction Monitoring Team, prior to construction of foundations. Construction shall be completed in accordance with the recommendation of this study.

5.2 Qualified building, electrical, seismic and safety inspectors, part of the Construction Monitoring Team, shall approve plans prior to construction, monitor ongoing construction, and certify completed construction as appropriate.

6.0 Air Quality

6.1 The EPA PSD permit contains conditions relating to reporting requirements. Colmac shall comply with these monitoring requirements. Compliance with these conditions is required by conditions of BIA lease approval as well as by EPA. Either agency can enforce these conditions. EPA and BIA may subsequently develop an agreement with the South Coast Air Quality Management District to conduct an emission monitoring and inspection program. If this takes place, Colmac will additionally be required to comply with monitoring requirements set by any such agreement.

Permit Conditions

I. Permit Expiration

This Approval to Construct/Modify shall become invalid (1) if construction is not commenced (as defined in 40 CFR 52.21(b)(8)) within 18 months after the approval takes effect, (2) if construction is discontinued for a period of 18 months or more, or (3) if construction is not completed within a reasonable time.

II. Notification of Commencement of Construction and Startup

The Regional Administrator shall be notified in writing of the anticipated date of initial start-up (as defined in 40 CFR 60.2(o)) of each facility of the source not more than sixty (60) days nor less than thirty (30) days prior to such date and shall be notified in writing of the actual date of commencement of construction and start-up within fifteen (15) days after such date.

III. Facilities Operation

All equipment, facilities, and systems installed or used to achieve compliance with the terms and conditions of this Approval to Construct/Modify shall at all times be maintained in good working order and be operated as efficiently as possible so as to minimize air pollutant emissions.

IV. Malfunction

The Regional Administrator shall be notified by telephone within 48 hours following any failure of air pollution control equipment, process equipment, or of a process to operate in a normal manner which results in an increase in emissions above any allowable emissions limit stated in Section IX of these conditions. In addition, the Regional Administrator shall be notified in writing within fifteen (15) days of any such failure. This notification shall include a description of the malfunctioning equipment or abnormal operation, the date of the initial failure, the period of time over which emissions were increased due to the failure, the cause of the failure, the estimated resultant emissions in excess of those allowed under Section IX of these conditions, and the methods utilized to restore normal operations. Compliance with this malfunction notification provision shall not excuse or otherwise constitute a defense to any violations of this permit or of any law or regulations which such malfunction may cause.

V. Right to Entry

The Regional Administrator, the Superintendent of the Southern California Agency of the Bureau of Indian Affairs, and/or their authorized representatives, upon the presentation of credentials, shall be permitted:

- A. to enter upon the premises where the source is located or in which any records are required to be kept under the terms and conditions of this Approval to Construct/Modify; and
- B. at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this Approval to Construct/Modify; and
- C. to inspect any equipment, operation, or method required in this Approval to Construct/Modify; and
- D. to sample emissions from the source.

VI. Transfer of Ownership

In the event of any changes in control or ownership of facilities to be constructed or modified, this Approval to Construct/Modify and all conditions contained herein shall be binding on all subsequent owners and operators. The applicant shall notify the succeeding owner and operator of the existence of this Approval to Construct/Modify and its conditions by letter, a copy of which shall be forwarded to the Regional Administrator and the State and local Air Pollution Control Agency.

VII. Severability

The provisions of this Approval to Construct/Modify are severable, and, if any provision of this Approval to Construct/Modify is held invalid, the remainder of this Approval to Construct/Modify shall not be affected thereby.

VIII. Other Applicable Regulations

The owner and operator of the proposed project shall construct and operate the proposed stationary source in compliance with all other applicable provisions of 40 CFR, Parts 52, 60 and 61 and all other applicable Federal, State and local air quality regulations.

IX.

Special Conditions

A. Certification

Colmac Energy, Inc. shall notify the EPA in writing of compliance with Special Conditions IX.B. and IX.J. and shall make such notification within fifteen (15) days of start of such compliance. This letter must be signed by a responsible representative of Colmac Energy, Inc.

B. Air Pollution Control Equipment

Colmac Energy, Inc. shall install, continuously operate and maintain the following air pollution controls to minimize emissions. Controls listed shall be fully operational upon startup of the proposed equipment.

1. Each boiler will exhaust to a fabric baghouse, using PTFE or teflon-laminated bags, for the control of particulate emissions (TSP).
2. Each boiler shall be equipped with a limestone injection system for the control of SO_2 and acid gas emissions (H_2SO_4).
3. Each boiler shall be equipped with an ammonia injection system for the control of NO_x emissions.
4. The baled fuel cyclone shall be equipped with a fabric filter for control of particulate emissions.
5. The onsite fuel hog shall be wind enclosed for the control of particulate emissions.
6. The ash handling system shall be completely enclosed, and the ash storage silo equipped with a fabric filter, for the control of particulate emissions. Transfer of ash to a disposal truck shall be enclosed.
7. The cooling towers shall have drift controls installed to limit drift losses to 0.001 percent of the circulating water mass for the control of particulate emissions.

C. Performance Tests

P.C.

1. Within 60 days of achieving the maximum production rate of the proposed equipment but not later than 180 days after initial startup of the equipment as defined in 40 CFR 60.2(o), and at such other times as specified by the EPA, Colmac Energy, Inc. shall conduct performance tests for NO_x , SO_2 , TSP and CO

and furnish the EPA (Attn: A-3-3) a written report of the results of such tests. The tests for NO_x, SO₂, TSP and CO shall be conducted on an annual basis and at the maximum operating capacity of the facilities being tested. Upon written request (Attn: A-3-3) from Colmac Energy, Inc., EPA may approve the conducting of performance tests at a lower specified production rate. After initial performance tests and upon written request and adequate justification from Colmac Energy, Inc., EPA may waive a specified annual test for the biomass-fired facility.

2. Performance tests for the emissions of SO₂, TSP, NO_x, and CO shall be conducted and the results reported in accordance with the test methods set forth in 40 CFR 60, Part 60.8 and Appendix A. The following test methods shall be used:

- a. Performance tests for the emissions of SO₂ shall be conducted using EPA Methods 1-4 and 8.
- b. Performance tests for the emissions of TSP shall be conducted using EPA Methods 1-4 and 5.
- c. Performance tests for the emissions of CO shall be conducted using EPA Methods 1-4 and 10.
- d. Performance tests for the emissions of NO_x shall be conducted using EPA Methods 1-4 and 7.

^{NOTIFY}
The EPA (Attn: A-3-3) shall be notified in writing at least 30 days prior to such tests to allow time for the development of an approvable performance test plan and to arrange for an observer to be present at the test.

Such prior approval shall minimize the possibility of EPA rejection of test results for procedural deficiencies. In lieu of the above-mentioned test methods, equivalent methods may be used with prior written approval from the EPA.

- 3. For performance test purposes, sampling ports, platforms and access shall be provided by the Colmac Energy, Inc. on the boiler exhaust systems in accordance with 40 CFR 60.8(e).
- 4. Concurrent with the above described performance tests, measurements shall be made of emissions of polycyclic aromatic hydrocarbons (including benzo(a)pyrene), dioxins and furans, and metals. Such measurements shall be in accordance with methods established by the California Air Resources Board.

D. Operating Limitations

1. Only natural gas, propane, or other such gas may be fired by the auxiliary burners.
2. Treated wood or wood wastes, coal or coal byproducts, and municipal solid waste other than wood waste shall not be used as a fuel by this facility.
3. Periodic fuel sampling shall be done to ensure compliance of fuel with permit conditions.
4. The annual input of biomass fuel (agricultural wastes, commercial woodwastes, straw, bermuda grass, asparagus ferns, orchard prunings) to the two (2) boilers shall not exceed 400,000 "wet" tons.
5. Colmac Energy, Inc. shall record and maintain daily records of the amounts and types of biomass fuel fired each calendar quarter, the amount of natural gas fired each calendar quarter, and the plant hours of operation. All information shall be recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, calculation and record.
6. When wind speeds exceed 12 mph, Colmac Energy, Inc. shall control particulate emissions from the fuel storage pile through the use of regular watering.

E. Emission Limits for SO₂

On and after the date of startup, Colmac Energy, Inc. shall not discharge or cause the discharge into the atmosphere SO₂ in excess of the more stringent of 12.0 lbs/hr. per boiler or 20 ppm, dry, corrected to 12% CO₂ (3-hour average).

EPA may set a new lower allowable emission rate for the above emission limits after reviewing the performance test results or the initial SO₂ monitoring data required under Special Conditions C and J.

Upon completion of the performance test required under Special Condition IX.C., Colmac Energy, Inc., may request that the above emissions limitations be reduced to more closely reflect actual boiler performance. In such event, the new lower limitations shall form the basis of the emission offset requirements contained in Special Condition IX.L.6.

If the SO₂ emission limit is revised, the difference between the SO₂ emission limit set forth above and a revised lower SO₂ emission limit shall not be allowed as an emission offset for future construction or modification.

F. Emission Limits for TSP

On and after the date of startup, Colmac Energy, Inc. shall not discharge or cause the discharge of TSP in excess of the more stringent of 0.010 gr/dscf at 12% CO₂ or 7.5 lbs/hr per boiler (3-hour average).

On and after the date of startup, Colmac Energy, Inc. shall not discharge or cause the discharge into the atmosphere from the boiler exhaust stack gases which exhibit an opacity of 10 percent or greater for any period or periods aggregating more than three minutes in any one hour.

Upon completion of the performance test required under Special Condition IX.C., Colmac Energy, Inc., may request that the above emissions limitations be reduced to more closely reflect actual boiler performance. In such event, the new lower limitations shall form the basis of the emission offset requirements contained in Special Condition IX.L.6.

G. Emission Limits for CO

On and after the date of startup, Colmac Energy, Inc. shall not discharge or cause the discharge of CO in excess of the more stringent of 45.0 lb/hr per boiler or 173 ppm, dry, corrected to 12% CO₂ (3-hour average).

Upon completion of the performance test required under Special Condition IX.C., Colmac Energy, Inc. may request that the above emissions limitations be reduced to more closely reflect actual boiler performance. In such event, the new lower limitations shall form the basis of the emission offset requirements contained in Special Condition IX.L.6.

H. Emission Limits for NO_x

On and after the date of startup, Colmac Energy, Inc. shall not discharge or cause the discharge of NO_x in excess of the more stringent of 30.0 lbs/hr per boiler or 70 ppm, dry, corrected to 12% CO₂ (3-hour average).

Subsequent to initial full scale operation, Colmac shall conduct an optimization study of the ammonia injection system. The study shall consist of varying the ammonia injection rate to determine the optimal NO_x removal efficiency over an acceptable ammonia slip range of values. Upon completion of the study the EPA may set a new NO_x emission rate and/or a new ammonia injection rate.

Upon completion of the performance test required under Special Condition IX.C., Colmac Energy, Inc. may request that the above emissions limitations be reduced to more closely reflect actual boiler performance. In such event, the new lower limitations shall form the basis of the emission offset requirements contained in Special Condition IX.L.6.

I. Emission Limit for Hydrocarbons

On and after the date of startup, Colmac Energy, Inc. shall not discharge or cause the discharge of hydrocarbons in excess of 10.0 lbs/hr per boiler (3-hour average).

Upon completion of the performance test required under Special Condition IX.C., Colmac Energy, Inc., may request that the above emissions limitations be reduced to more closely reflect actual boiler performance. In such event, the new lower limitations shall form the basis of the emission offset requirements contained in Special Condition IX.L.6.

J. Continuous Emission Monitoring

1. Prior to the date of startup and thereafter, Colmac Energy, Inc. shall install, maintain and operate the following continuous monitoring systems in the boiler exhaust stack:
 - a. Continuous monitoring systems to measure stack gas SO₂, CO and NO_x concentrations. The system shall meet EPA monitoring performance specifications (40 CFR 60.13 and 40 CFR 60, Appendix B, Performance Specifications 2, 3 and 4).
 - b. A continuous monitoring system to measure stack gas volumetric flow rates. The system shall meet EPA performance specifications (40 CFR Part 52, Appendix E).
 - c. A transmissometer system for continuous measurement of the stack gas opacity. The system shall meet EPA monitoring performance specifications (40 CFR Part 60.13 and 40 CFR Part 60, Appendix B, Performance Specification 1).
2. Colmac Energy, Inc. shall maintain a file of all measurements, including continuous monitoring systems evaluations; all continuous monitoring systems or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; performance and all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports and records.
3. Colmac Energy, Inc. shall notify EPA (Attn: A-3-3) of the date which demonstration of the continuous monitoring system performance commences (40 CFR 60.13(c)). This date shall be no later than 60 days after startup.

4. Colmac Energy, Inc. shall submit a written report of all excess emissions to EPA (Attn: A-3-3) for every calendar quarter. The report shall include the following:

- a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factors used, and the date and time of commencement and completion of each time period of excess emissions.
- b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the furnace/boiler system. The nature and cause of any malfunction (if known) and the corrective action taken or preventive measures adopted shall also be reported.
- c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks, and the nature of the system repairs or adjustments.
- d. When no excess emissions have occurred or the continuous monitoring system has not been inoperative, repaired, or adjusted, such information shall be stated in the report.
- e. Excess emissions shall be defined as any 3-hour period during which the average emissions of SO₂, NO_x, or CO, as measured by the CEM, exceeds the maximum emission limits set forth in Conditions IX.E, IX.G, and IX.H above. Excess emissions shall also be defined as any period or periods aggregating more than three minutes in any one hour during which the stack gas opacity as measured by the CEM exceeds the limit set forth in Condition IX.F above.

5. Excess emissions indicated by the CEM system shall be considered violations of the applicable emission limit for the purposes of this permit.

6. Not less than 90 days prior to the date of startup of the facility, Colmac Energy, Inc. shall submit to the EPA (Attn: A-3-3) a quality assurance project plan for the certification and operation of the continuous emission monitors. Such a plan shall conform to the EPA document "Guidelines for Developing a Quality Assurance Project Plan" (QAMS 005/80). Continuous emission monitoring may not begin until the QA project plan has been approved by EPA Region 9.

K. New Source Performance Standards

The proposed biomass-fired facility is subject to the Standards of Performance for New Stationary Sources (NSPS) 40 CFR 60, Subparts A, Db and E, including all emissions limits and all notification, testing, monitoring, and reporting requirements.

L. Emission Offset Conditions

1. Colmac Energy, Inc. shall provide offsets for all emissions from the facility.
2. Proper evaluation, calculation, and recordkeeping of the emission credits is the responsibility of Colmac.
- (3.) Colmac shall submit to the BIA and EPA (Attn: A-3-3), upon request, written agreements between Colmac and the supplier of the agricultural/forest wastes, which specify type and quantity of wastes supplied.
4. Colmac shall require and maintain fuel receipts, scale records, and bills of lading for transportation of all forest/agricultural wastes for which offset credit is claimed.
5. The BIA and EPA may inspect fuel receipts and other information necessary to verify that fuel burned at the facility is of adequate quantity and quality to ensure that any credits issued under this condition are in fact being achieved.
6. Onsite emissions from the Colmac plant including maximum permitted facility stack emissions as specified in Conditions IX.E, IX.F, IX.G, IX.H, and IX.I shall be offset in accordance with the ARB/CAPCOA procedure for calculating offsets. The emission offset credit shall be calculated using the ARB/CAPCOA recommended procedure, dated June 21, 1984 ("A Procedure to Implement the Provisions of Health and Safety Code Section 41605.5 Relating to the Determination of Agricultural/Forestry Emission Offset Credits").

7. The emission factors to be used in quantifying the credits granted pursuant to this condition are:

LBS OF POLLUTANT/TON OF FUEL BURNED

Pollutant	Field Crop			Forest Residue
	Orchard	Straws	Vine Crops	
NO _x	4	4.3	4	4
VOC	8	13.0	5	19
PM	6	22.0	5	17
CO	52	130.0	51	140
SO ₂	0.6	2.8	0.6	0.1

8. The applicant shall maintain records of fuel acquired and the mass of fuel burned on a daily basis, including records of fuel blend ratios. In addition, daily records are required of mass, type, and geographic origin of the biomass received, accompanied by certification by the fuel supplier and the owner or operator that any offset-creditable biomass historically has been burned openly in the air basin.

Certification by the owner or operator is required, that all biomass fuel acquired will be burned in the biomass boilers if that fuel has been assigned an emission offset credit in accordance with the conditions of this permit.

9. Emission credits (offsets) shall be provided for the project's emissions in accordance with the ARB/CAPCOA protocol.

10. Any time during which the project's permitted combustion emissions exceed the emissions offset credits as specified in the permit because of a change in the quality or quantity of the wastes supplied, the project owner or operator shall notify the BIA and EPA (Attn: A-3-3) and curtail operations proportionately. Failure to comply with this provision shall be grounds for enforcement actions and revocation of the lease by BIA.

11. All of the above information shall be recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, calculation and record.

12. Each Calendar quarter Colmac Energy, Inc. shall submit all of the above information for the last calendar quarter to EPA (Attn: A-3-3).

M. Offsets During Startup

Colmac shall provide offsets, as required by Condition IX.L.6., during plant startup for any day during startup (startup is the period after initial firing of the boiler or boilers until the plant has operated at 100-percent power for a period of at least 72 hours, and the performance (source) tests for emission measurement have been completed) in which boiler operation takes place. Offsets shall be provided based on the permitted emission rates specified in subsections IX. E, F, G, H and I above, and the BTU's in the fuel combusted that day.

X. Agency Notifications

All correspondence as required by this Approval to Construct/Modify shall be forwarded to:

- A. Director, Air Management Division (Attn: A-3-3)
U.S. Environmental Protection Agency
215 Fremont Street
San Francisco, CA 94105
- B. Chief, Stationary Source Division
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95814
- C. Air Pollution Control Officer
South Coast Air Quality Management District
9150 Flair Drive
El Monte, CA 91731

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105

MI-91-83

IN REPLY A-3-1
REFER TO: NSR 4-4-11
SE 87-01

*add to
CC*

Mr. W. Phillip Reese
Reese-Chambers Systems
Consultants
P.O. Box 8
Somis, CA 93066

Dear Mr. Reese:

In accordance with provisions of the Clean Air Act, as amended (42 U.S.C. 7401 et seq.), the Environmental Protection Agency has reviewed the application submitted by Colmac Energy, Inc. requesting the amendment of the June 28, 1988 Approval to Construct for a 49 MW biomass-fired power plant to be located in Riverside County, California.

A request for public comment regarding EPA's proposed action on the above application has been published. Comments were received from the South Coast Air Quality Management District and the California Air Resources Board. Both agencies expressed concerns regarding EPA's proposal to delete the offset conditions from the Authority to Construct. Compromise language for the offset conditions was drafted which seems to satisfy the concerns expressed by the commenting agencies. Therefore, EPA is adding the compromise language in lieu of deleting the offset conditions and hereby issues the enclosed amendment to the Approval to Construct the facilities described above. This action does not constitute a significant change from the proposed action set forth and offered for public comment.

The Consolidated Permit Regulations (40 CFR Part 124) which were promulgated by the Environmental Protection Agency require that we notify interested parties of the permit issuance and advise them that they may petition the Administrator of the Environmental Protection Agency to review any condition of the permit decision.

The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period to the extent required by these regulations and, when appropriate, a showing that the condition in question is based on:

-2-

- (1) A finding of fact or conclusion of law which is clearly erroneous;
- (2) An exercise of discretion or an important policy consideration which the Administrator should, in his or her discretion, review.

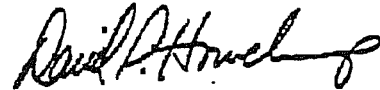
An appeal to the Administrator for review of the permit decision along with an original and one copy must be filed not later than thirty (30) days from the date the final permit is issued with the Headquarters Hearing Clerk at the following address:

Headquarters Hearing Clerk (A-110)
Room M3708
U.S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

This Approval to Construct/Modify shall take effect thirty (30) days from the date it is received by Colmac Energy, Inc.

If you have any questions regarding this matter, please contact Bob Baker of our New Source Section at (415) 744-1258.

Sincerely,



David P. Howekamp
Director
Air and Toxics Division

Enclosures

cc: CARB
South Coast AQMD
Taylor Miller
Mark Weinberger

Amendments to the June 28, 1988
Approval to Construct
(NSR 4-4-11, SE 87-01)

The June 28, 1988 Approval to Construct issued to Colmac Energy, Inc. for a 49 MW biomass-fired power plant is hereby amended.

The EPA hereby amends Special Condition IX.L, Emission Offset Conditions, to read as follows:

L. Emission Mitigation Conditions

1. As used in this condition, "Monitoring and Enforcement Agreement" shall mean that certain agreement executed by Colmac Energy, Inc. on May 10, 1989, executed thereafter by the South Coast Air Quality Management District (SCAQMD), the Cabazon Band of Mission Indians, the County of Riverside, and the Coachella Valley Association of Governments, and consented to by the Department of Interior, Bureau of Indian Affairs and by the Environmental Protection Agency. A copy of the agreement shall be retained and made available for public review at the Region 9 office of EPA, San Francisco, California and at the SCAQMD office in El Monte, California.
2. (a) Measures to mitigate emissions from the facility shall be provided by the payments required by paragraph 13 of the Monitoring and Enforcement Agreement. These payments shall be in lieu of all air emissions offsets for the permitted emissions for the project subject to the conditions set forth in subparagraph (b).
- (b) In the event that the permitted emissions for the facility, as allowed by this permit or any amendment thereto, are greater than one-half the offset credit amounts listed in this subparagraph as Available Open Field Burning Offset Credits, which amounts have been accepted as previously available to the facility, then the facility must provide additional offsets for each day the plant operates to mitigate facility emissions to the extent that a daily permitted emission exceeds the daily Available Open Field Burning Offset Credit amount.

Available Open Field Burning Offset Credits

<u>Pollutants</u>	<u>lb/day</u>
NOx	2,134
SO ₂	2,192
CO	48,312
HC	3,690
PM	2,790

-2-

In the event that the number of operating days exceeds 330 in any 365-day period, then the daily offset credits listed above shall be reduced by the ration of 330 divided by the actual number of operating days in that period.

- (c) Offsets required pursuant to subparagraph (b) above may be provided by open field burning credits from within the Southeast Desert Air Basin as defined on June 10, 1987 and in accordance with the ARB/CAPCOA recommended procedure, dated June 21, 1984 [A Procedure to Implement the Provisions of Health and Safety Code Section 41605 Relating to the Determination of Agricultural/Forestry Emission Offset Credits ("the ARB/CAPCOA Recommended Procedure")]. The emission offset credit shall be calculated using the ARB/CAPCOA recommended procedure. Alternatively, any offsets required pursuant to subparagraph (b) may be provided in accordance with the regulations of the SCAQMD or by any combination of Open Field Burning Offset Credits and other SCAQMD complying offsets.
3. Pursuant to paragraph 14 of the Monitoring and Enforcement Agreement, Colmac agrees to use its best efforts to acquire agricultural waste through agreements negotiated with farmers or other suppliers in the Coachella Valley, and with the assistance of the county by directly encouraging farmers to provide such wastes, which wastes would otherwise have been burned in the open field in the Coachella Valley but could, consistent with sound agricultural practices, be obtained by Colmac and burned in the Colmac facility as fuel.
4. Colmac shall require and maintain fuel receipts, bills of lading or transportation manifests, and scale records for acquisition and transportation of fuel acquired from within the Coachella Valley which would otherwise be burned in the open field. Record-keeping shall include daily records of weight, type, and geographic location of origin of fuel received for combustion at the Colmac facility and the number of operating days in the previous 365 day period.
5. Each year, on the anniversary of the date of initial combustion of biomass fuel at the facility, Colmac shall submit the records maintained in accordance with this condition to EPA (Attn: A-3-3) and to the SCAQMD, El Monte, California.

-3-

6. All of the above information shall be recorded by Colmac in a permanent form suitable for inspection, and the file shall be retained for at least two years following the date of such measurements, calculation, and record.
7. After the end of the ten year period commencing with the initial start up of the Colmac facility on biomass fuel ("the ten year period") Colmac shall continue to fully offset emissions from the plant in accordance with the options provided for in paragraph 16 of the Monitoring and Enforcement Agreement. The following procedures shall apply:
 - (a) In the event that Colmac elects to continue the payments as provided in paragraph 13 of the Monitoring and Enforcement Agreement, then the provisions of this condition IX.L shall remain in effect. Such election by Colmac shall be made prior to the end of the ten year period in writing delivered by certified mail to EPA, Region 9, Air and Toxics Division, with copies to the SCAQMD and the County of Riverside.
 - (b) Alternatively, in the event that Colmac has not made the election provided for in subparagraph (a) above and EPA has not approved an amendment to the permit prior to the end of the ten year period, which amendment provides for an alternative means of offsetting plant emissions in conformance with paragraph 16 of the Monitoring and Enforcement Agreement, then paragraph IX.L of the permit as originally issued June 28, 1988 and attached hereto as Appendix I, shall be reinstated without further action by EPA.
 - (c) The SCAQMD and the County of Riverside shall be given notice by EPA of any proposed amendment to this permit.

The EPA hereby deletes Special Condition IX.M, Offsets During Startup.

All other permit conditions are unchanged and remain in effect.

Appendix I

L. Emission Offset Conditions

1. Colmac Energy, Inc. shall provide offsets for all emissions from the facility.
2. Proper evaluation, calculation, and recordkeeping of the emission credits is the responsibility of Colmac.
3. Colmac shall submit to the BIA and EPA (Attn: A-3-3), upon request, written agreements between Colmac and the supplier of the agricultural/forest wastes, which specify type and quantity of wastes supplied.
4. Colmac shall require and maintain fuel receipts, scale records, and bills of lading for transportation of all forest/agricultural wastes for which offset credit is claimed.
5. The BIA and EPA may inspect fuel receipts and other information necessary to verify that fuel burned at the facility is of adequate quantity and quality to ensure that any credits issued under this condition are in fact being achieved.
6. Onsite emissions from the Colmac plant including maximum permitted facility stack emissions as specified in Conditions IX.E, IX.F, IX.G, IX.H, and IX.I shall be offset in accordance with the ARB/CAPCOA procedure for calculating offsets. The emission offset credit shall be calculated using the ARB/CAPCOA recommended procedure, dated June 21, 1984 ("A Procedure to Implement the Provisions of Health and Safety Code Section 41605.5 Relating to the Determination of Agricultural/Forestry Emission Offset Credits").
7. The emission factors to be used in quantifying the credits granted pursuant to this condition are:

LBS OF POLLUTANT/TON OF FUEL BURNED

Pollutant	Field Crop			
	Orchard	Straws	Vine Crops	Residue
NO _x	4	4.3	4	4
VOC	8	13.0	5	19
PM	6	22.0	5	17
CO	52	130.0	51	140
SO ₂	0.6	2.8	0.6	0.1

8. The applicant shall maintain records of fuel acquired and the mass of fuel burned on a daily basis, including records of fuel blend ratios. In addition, daily records are required of mass, type, and geographic origin of the biomass received, accompanied by certification by the fuel supplier and the owner or operator that any offset-creditable biomass historically has been burned openly in the air basin.
9. Emission credits (offsets) shall be provided for the project's emissions in accordance with the ARB/CAPCOA protocol.
10. Any time during which the project's permitted combustion emissions exceed the emissions offset credits as specified in the permit because of a change in the quality or quantity of the wastes supplied, the project owner or operator shall notify the BIA and EPA (Attn: A-3-3) and curtail operations proportionately. Failure to comply with this provision shall be grounds for enforcement actions and revocation of the lease by BIA.
11. All of the above information shall be recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, calculation and record.
12. Each calendar quarter Colmac Energy, Inc. shall submit all of the above information for the last calendar quarter to EPA (Attn: A-3-3).

M. Offsets During Startup

Colmac shall provide offsets, as required by Condition IX.L.6, during plant startup for any day during startup (startup is the period after initial firing of the boiler or boilers until the plant has operated at 100-percent power for a period of at least 72 hours, and the performance (source) tests for emission measurement have been completed) in which boiler operation takes place. Offsets shall be provided based on the permitted emission rates specified in subsections IX.E, F, G, H, and I above, and the BTU's in the fuel combusted that day.

TITLE V PERMIT TO OPERATE

Permit No. CB-ROP 05-01

In accordance with the provisions of Title V of the Clean Air Act and 40 C.F.R. Part 71 and applicable rules and regulations,

Desert View Power, LLC

is authorized to operate air emission units listed herein and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit. Terms and conditions not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act.

If all proposed control measures and/or equipment are not installed and properly operated and maintained, this will be considered a violation of the permit.

This permit is valid for a period of five (5) years and shall expire after 11:59:59 p.m. on the date five years after the date of issuance unless a timely and complete renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration. The permit number cited above should be referenced in future correspondence regarding this facility.

| ~~DRAFT~~

Elizabeth J. Adams
Director, Air and Radiation Division
EPA Region IX

Abbreviations and Acronyms

AFS	AIRS Facility Subsystem
ARB	Air Resources Board
BTU	British thermal units
CAPCOA	California Air Pollution Control Officers Association
CEMS	continuous emissions monitoring system
CFR	Code of Federal Regulations
CO	carbon monoxide
CO ₂	carbon dioxide
COMS	continuous opacity monitoring system
CMS	continuous monitoring system
E _{ho}	hourly SO ₂ emission rate
EPA	U.S. Environmental Protection Agency
Es	sulfur dioxide emission rate
EU	emissions unit
gr/dscf	grains per dry standard cubic feet
H ₂ SO ₄	sulfuric acid
HC	hydrocarbon
HCl	hydrochloric acid or hydrogen chloride
HP	horsepower
hr	hour
Hz	hertz
J	joule
kW	kilowatt
lb	pound
MMBtu	million British thermal units
MWh	megawatt-hour
ng	nanograms
NO	nitrogen oxide or nitric oxide
NO ₂	nitrogen dioxide
NO _x	nitrogen oxides
NSPS	New Source Performance Standards
NSR	New Source Review
O ₂	oxygen
pA	pico amps
PM	particulate matter
PM ₁₀	particulate matter less than 10 microns in diameter
ppm	parts per million
%Ps	percent of sulfur dioxide emission rate
PSD	Prevention of Significant Deterioration
SCAQMD	South Coast Air Quality Management District
SO ₂	sulfur dioxide
TDF	tire-derived fuel
tpy	tons per year
VMT	vehicle miles traveled

TABLE OF CONTENTS

Cover Page

Abbreviations and Acronyms

I. Source Identification	5
I.A. General Information	5
I.B. Emission-Generating Units and Activities	6
II. Requirements for Specific Pollutants	7
II.A. Emission Limits	7
II.B. Work Practice and Operational Requirements	13
II.C. Monitoring and Testing Requirements	18
II.D. Recordkeeping Requirements	23
II.E. Reporting Requirements	25
II.F. Emission Mitigation Conditions	28
II.G. NSPS General Provisions	31
II.H. Permit Shield	36
II.I. Compliance Schedule and Progress Reports	36
III. Facility-Wide or Generic Permit Requirements	36
III.A. Testing Requirements	36
III.B. Recordkeeping Requirements	38
III.C. Reporting Requirements	38
III.D. Other Applicable Regulations	41
III.E. New Source Performance Standards	41
III.F. Chemical Accident Prevention	41
IV. Title V Administrative Requirements	41
IV.A. Payment of Fees and Reporting of Actual Emissions	41
IV.B. Blanket Compliance Statement	44
IV.C. Compliance Certifications	44
IV.D. Duty to Provide and Supplement Information	45
IV.E. Submissions	45
IV.F. Severability Clause	45
IV.G. Permit Actions	46
IV.H. Reopening for Cause	46
IV.I. Property Rights	46
IV.J. Inspection and Entry	46
IV.K. Emergency Provisions	47
IV.L. Transfer of Ownership or Operation	48
IV.M. Off Permit Changes	48
IV.N. Permit Expiration and Renewal	48
IV.O. Administrative Permit Amendments	49
IV.P. Minor Permit Modifications	50
IV.Q. Group Processing of Minor Permit Modifications	51
IV.R. Significant Permit Modifications	52
IV.S. Operational Flexibility - 502(b)(10) Changes	52
Attachment A	54

I. Source Identification

I.A. General Information

Parent Company name: Desert View Power, LLC

Parent Company Mailing Address: 62-300 Gene Welmas Drive

City: Mecca State: CA Zip: 92254

Plant Name: Desert View Power

Plant Location: 62-300 Gene Welmas Drive

City: Mecca State: CA

County: Riverside

EPA Region: 9

Reservation: Cabazon Reservation

Tribe: Cabazon Band of Mission Indians

Company Contact: Jim Robertson

Phone: (760) 262-1682

email: jrobertson@desertviewpower.com

Plant Manager/Contact: same

Phone: same

Responsible Official: Greg Cook

Phone: 916-596-2501

SIC Code: 4911

AFS Plant Identification Number: 06-065-00027

Description of Process: Biomass-fired power plant

I.B. Emission-Generating Units and Activities

Emission Unit I.D. No.	Unit Description	Associated Control Equipment	Control Equipment I.D. No.
EU-01	Boilers 1 & 2 Combustion Engineering Circulating Fluidized Bed Boilers, 300 million Btu/hr each, Siemens ABB VAX Turbine Generator, Total Net Electrical Output: 47 MW	Thermal de-NO _x system	01-C01
		Fabric Filter/Baghouse	01-C02
		Hydrated Lime/Dry Sorbent Injection System	01-C03
EU-03	Biomass fuel yard – wind erosion	Wind screens	03-C01
EU-04	Fuel hog and cyclone	Enclosure, Fabric Filter/Baghouse	04-C01
EU-05	Fuel stacker	Enclosure	05-C01
EU-06	Petroleum coke storage	Partial enclosed building	06-C01
EU-07	Fly Ash Storage Silo	Fabric Filter/Baghouse	07-C01
EU-08	Cooling tower	Drift controls	08-C01
EU-09	Emergency generator, Generac Model 32868-12688, 275 kW, 60 Hz, 440 HP	n/a	
EU-10	Fire pump, Cummins Model NT 855 F3, 290 HP	n/a	
EU-11	Hydrated Lime Storage Silo	Fabric Filter	11-C01
EU-12	Limestone Storage Silo	Fabric Filter	12-C01
EU-13	Hydrated Lime Truck Traffic	n/a	
EU-14	Wood chips conveyor system	Partial covers and water sprays	14-C01

II. Requirements for Specific Pollutants

II.A. Emission Limits

SO₂ Limits

1. The Permittee shall not discharge or cause the discharge into the atmosphere SO₂ in excess of the more stringent of 12.0 lbs/hr per boiler or 27 ppm, dry, corrected to 3% O₂ (3-hour average). In addition, the Permittee shall not discharge or cause the discharge into the atmosphere SO₂ in excess of a rolling average of 70 tons/year calculated daily. [PSD permit SE 87-01 Condition IX.E]
2. The Permittee shall not cause to be discharged into the atmosphere from the boilers comprising EU-01 when fired on petroleum coke any gases that contain sulfur dioxide in excess of 10 percent (0.10) of the potential sulfur dioxide emission rate (90 percent reduction) and that contain sulfur dioxide in excess of 520 ng/J (or 1.2 lb/MMBtu).

Only the heat input (in J or MMBtu) supplied to the affected facility from the combustion of petroleum coke is counted under this section. No credit is provided for the heat input to the boilers from the combustion of natural gas, wood, municipal-type solid waste, or other fuels or heat input to the boilers from exhaust gases from another source, such as gas turbines, internal combustion engines, kilns, etc. [40 CFR 60.42b(a)]

3. Compliance with the emission limit and/or percent reduction requirement under Condition II.A.2 of this permit must be determined on a 30-day rolling average basis. [40 CFR 60.42b(e)]

Particulate Matter Limits

4. The Permittee shall not discharge or cause the discharge of PM₁₀ in excess of the more stringent of 0.006 gr/dscf at 12% CO₂ or 3.9 lbs/hr per boiler (3-hour average) Compliance with this limit shall be demonstrated pursuant to Condition II.C.2 of this permit. [PSD permit SE 87-01 Condition IX.F]
5. The Permittee shall not cause to be discharged into the atmosphere from the boilers comprising EU-01 when fired on petroleum coke (alone or with other fuels) or wood (alone or with other fuels) any gases that contain particulate matter in excess of 43 ng/J (or 0.10 lb/MMBtu) heat input. [40 CFR 60.43b(a) and (c)]
6. For each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of filterable PM in excess of ~~1.4E-04~~0.11 lb/MMBtu of heat input.
 - a. In the alternative, the Permittee may elect to comply with an output-based emission limitation for EU-01. In this case, for each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of filterable PM in excess of ~~1.4E-04~~0.14 lb/MMBtu of steam output (1.6 lb/megawatt-hour (MWh)). The Permittee should indicate whether it has elected to comply with this alternative

emission limitation in reporting compliance with the limitation under Condition III.C.

[40 CFR 63.7500(a)(1); 40 CFR Part 63, Subpart DDDDD, Table 2, Item 9]

Opacity Limits

7. The Permittee shall not discharge or cause the discharge into the atmosphere from the boiler exhaust stack gases which exhibit an opacity of 10 percent or greater for any period or periods aggregating more than three minutes in any one hour- [PSD permit SE 87-01 Condition IX.F; ~~40 CFR 63.7500; (40 CFR Part 63, Subpart DDDDD, Table 4, Item 3))~~]
- ~~88.~~ For each boiler, the Permittee shall maintain opacity to less than or equal to 10 percent opacity or the highest hourly average (daily block average) opacity reading measured during the performance test run demonstrating compliance with Condition II.A.6. [40 CFR 63.7500; (40 CFR Part 63, Subpart DDDDD, Table 4, Item 3)]
9. The Permittee shall not cause to be discharged into the atmosphere from the boilers comprising EU-01 when fired on petroleum coke any gases that exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity. [40 CFR 60.43b(f)]

CO Limits

910. The Permittee shall not discharge or cause the discharge of CO in excess of the more stringent of 13.0 lbs/hr per boiler or 231 ppm, dry, corrected to 3% O₂ (3-hour average). [PSD permit SE 87-01 Condition IX.G]
- ~~1011.~~ For each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of CO in excess of ~~310~~ ppm by volume on a dry basis corrected to 3 percent oxygen, 30-day rolling average. Compliance with this limit shall be demonstrated by use of the Permittee's existing CO CEMS operated pursuant to Condition II.C.910.
 - a. In the alternative, the Permittee may elect to comply with an output-based emission limitation for EU-01. In this case, for each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of CO in excess of 4.6E-01 lb/MMBtu of steam output (5.2 lb/MWh) based on a 3-run average. Compliance with this limit shall be demonstrated by a use of the Permittee's existing CO CEMS operated pursuant to Condition II.C.910. The Permittee should indicate whether it has elected to comply with this alternative emission limitation in reporting compliance with the limitation under Condition III.C.

[40 CFR 63.7500(a)(1); 40 CFR Part 63, Subpart DDDDD, Table 2, Item 9]

NO_x Limits

~~11~~12. The Permittee shall not discharge or cause the discharge into the atmosphere NO_x in excess of the more stringent of 30.0 lbs/hr per boiler or 94 ppm, dry, corrected to 3% O₂ (3-hour average). In addition, the Permittee shall not discharge or cause the discharge of NO_x in excess of 648 lbs/day per boiler for any calendar day. [PSD permit SE 87-01 Condition IX.H]

~~12~~13. The Permittee shall not cause to be discharged into the atmosphere from the boilers comprising EU-01 any gases that contain NO_x (expressed as NO₂) in excess of the following limits [40 CFR 60.44b(a), (b), (c) and (d)]:

Fuel(s) Used	NO _x Emission Limit
Natural gas only	43 ng/J (or 0.10 lb/MMBtu) heat input
Petroleum coke only	260 ng/J (or 0.60 lb/MMBtu) heat input
Petroleum coke and other fuel(s)	NO _x limit determined by the formula listed below
Wood and natural gas	130 ng/J (0.30 lb/MMBtu) heat input

When petroleum coke is burned along with another fuel or with a combination of fuels, the following formula shall be used to determine the required emission limit [40 CFR 60.44b(b) and 60.44b(c)]:

$$E_n = [(EL_g \times H_g) + (EL_c \times H_c)] / (H_g + H_c)$$

where:

E_n is the nitrogen oxides emission limit (expressed as NO₂), in units of ng/J or lb/MMBtu

EL_g is the NO_x emission limit from the above table in this permit condition for combustion of natural gas

H_g is the heat input from combustion of natural gas

EL_c is the NO_x emission limit from the above table in this permit condition for combustion of petroleum coke

H_c is the heat input from combustion of petroleum coke

~~13~~14. Compliance with the nitrogen oxide emission limits in Condition II.A.~~12~~13 of this permit shall be determined on a 30-day rolling average basis. A new rolling average emission rate is calculated for each steam generating unit operating day as the average of all of the hourly NO_x emission data for the preceding 30 steam generating unit operating days. [40 CFR 60.44b(i), 40 CFR 60.46b(c), 40 CFR 60.46b(e)(2) and (3)]

Hydrocarbon Limit

~~14~~15. The Permittee shall not discharge or cause the discharge of hydrocarbons in excess of 5.9 lbs/hr per boiler (3-hour average). [PSD permit SE 87-01 Condition IX.I]

Hydrogen Chloride Limit

- ~~45~~16. For each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of hydrogen chloride in excess of 0.022 lb per MMBtu of heat input. [40 CFR Part 63, Subpart DDDDD, Table 2]

Mercury Limit

- ~~46~~17. For each boiler comprising EU-01, the Permittee shall not discharge or cause the discharge of mercury in excess of 5.7E-06 lb per MMBtu of heat input. [40 CFR Part 63, Subpart DDDDD, Table 2]

Startup, Shutdown and Malfunction Provisions

- ~~47~~18. Startup, shutdown and malfunction conditions:

- a. The concentration limits (ppm) in Conditions II.A.1, II.A.~~9~~10 and II.A.~~44~~12 of this permit apply at all times except during conditions of startup, shutdown and malfunction of the plant boilers. [PSD permit SE 87-01 Condition IX.M]
- b. The emission limits and percent reduction requirements in Conditions II.A.2 and II.A.~~40-13~~ apply at all times including periods of startup, shutdown and malfunction. [40 CFR 60.42b(g), 40 CFR 60.45b(a), 40 CFR 60.44b(h), 40 CFR 60.46b(a)]
- c. The emission and opacity limits in Conditions II.A.5 and II.A.~~8~~9, apply at all times except during conditions of startup, shutdown and malfunction. [40 CFR 60.43b(g), 40 CFR 60.46b(a)]
- d. For conditions derived from the PSD permit, startup is defined as the period of time during which the boiler is heated to operating temperature at a steady state load from a lower temperature, not to exceed 36 hours. If curing of refractory is required after repair or modifications, startup time shall not exceed 60 hours. Operating temperature indicating steady state load shall be indicated by the temperature at the outlet of the recycle cyclone reaching 1550 degrees Fahrenheit for a period of at least 5 minutes. [PSD permit SE 87-01 Condition IX.M]
- e. For conditions derived from the PSD permit, shutdown is defined as the period of time, not to exceed 8 hours, during which the boiler is allowed to cool from its operating temperature at steady-state load to a lower temperature. [PSD permit SE 87-01 Condition IX.M]
- f. The emission limits in Conditions II.A.6, II.A.13,~~II.A.14~~, II.A.15, and II.A.~~45~~16 apply at all times, except for periods of startup and shutdown when the following conditions apply:

- i. ~~i.~~—For startup:

1. ~~1.~~—The Permittee must operate all continuous monitoring systems.
 2. ~~2.~~—If using ~~the definition~~Definition (1) of “startup” in ~~Condition H.A.17.f.iv.1~~§63.7575, the Permittee must use one or a combination of clean fuels ~~and~~ vent emissions to the main stack and operate all applicable control devices, except the fabric filter/baghouse, and the dry sorbent and limestone injection system. The Permittee ~~must~~must start the dry sorbent and limestone injection system as expeditiously as possible. Startup ends when steam or heat is supplied for any purpose.
 3. ~~3.~~—If using ~~the definition~~Definition (2) of “startup” ~~Condition H.A.17.f.iv.2~~in §63.7575, once the Permittee begins to fire fuels other than clean fuels, the Permittee must vent emissions to the main stack(s) and engage all of the applicable control devices so as to comply with the emission limits within 4 hours of start of supplying useful thermal energy. The Permittee must engage and operate PM control within one hour of first feeding fuels that are not clean fuels or when necessary to comply with other applicable standards that require operation of the control devices. The Permittee must develop and implement a written startup and shutdown plan, as specified in §63.7505(e).
- ii. ~~ii.~~—For shutdown:
1. ~~1.~~—The Permittee must operate all continuous monitoring systems
 2. ~~2.~~—When firing fuels other than clean fuels, the Permittee must vent emissions to the main stack and operate all applicable control devices, except the fabric filter/baghouse, and the dry sorbent and limestone injection system, unless it is necessary to comply with other applicable requirements that require operation of the control device.
 3. ~~3.~~—If in addition to the fuel used prior to initiation of shutdown, another fuel must be used to support the shutdown process, that additional fuel must be one or a combination of clean fuels.
- iii. ~~iii.~~—For startup and shutdown:
1. ~~1.~~—The Permittee must collect monitoring data, as specified in 40 CFR 63.7535(b).
 2. ~~2.~~—The Permittee must keep records.

3. ~~3.~~—The Permittee must provide reports concerning activities and periods of startup and shutdown, as specified in 40 CFR 63.7555.

~~iv.~~—For the purposes of this condition, “startup” means ~~either~~:

~~1.~~—**Definition (1):** The first-ever firing of fuel in a boiler or process heater for the purpose of supplying useful thermal energy for heating and/or producing electricity, or for any other purpose, or the firing of fuel in a boiler after a shutdown event for any purpose. Startup ends when any of the useful thermal energy from the boiler or process heater is supplied for heating, and/or producing electricity, or for any other purpose~~;~~₂ or

~~2.~~—**Definition (2):** The period in which operation of a boiler or process heater is initiated for any purpose. Startup begins with either the first-ever firing of fuel in a boiler or process heater for the purpose of supplying useful thermal energy (such as steam or heat) for heating, cooling or process purposes, or producing electricity, or the firing of fuel in a boiler or process heater for any purpose after a shutdown event. Startup ends four hours after when the boiler or process heater supplies useful thermal energy (such as heat or steam) for heating, cooling, or process purposes, or generates electricity, whichever is earlier.

~~v.~~—For the purposes of this condition, “shutdown” means the period in which cessation of operation of a boiler is initiated for any purpose. Shutdown begins when the boiler no longer supplies useful thermal energy (such as heat or steam) for heating, cooling, or process purposes and/or generates electricity or when no fuel is being fed to the boiler, whichever is earlier. Shutdown ends when the boiler no longer supplies useful thermal energy (such as steam or heat) for heating, cooling, or process purposes and/or generates electricity, and no fuel is being combusted in the boiler.

~~vi.~~—For the purposes of this condition, “clean fuels” means natural gas, synthetic natural gas, propane, other Gas 1 fuels, distillate oil, syngas, ultra-low sulfur diesel, fuel oil-soaked rags, kerosene, hydrogen, paper, cardboard, refinery gas, liquefied petroleum gas, clean dry biomass, and any fuels meeting the appropriate HCl, mercury and TSM emission standards by fuel analysis~~.~~

[40 CFR 63.7575; 40 CFR 63 ~~Part Subpart~~ 63, Subpart DDDDD, Table 3, Items 5 and 6,]

~~1819.~~ When determining compliance with conditions derived from the NSPS (i.e., 40 CFR part 60), the following definitions apply [40 CFR 60.2]:

- a. “Affected facility” means, with reference to a stationary source, any apparatus to which a standard is applicable.
- b. “Malfunction” means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to

operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

- c. “Startup” means the setting in operation of an affected facility for any purpose.
- d. “Shutdown” means the cessation of operation of an affected facility for any purpose.

II.B. Work Practice and Operational Requirements

1. The Permittee shall install, continuously operate and maintain the following air pollution controls to minimize emissions. Controls listed shall be fully operational upon startup of the proposed equipment. [PSD permit SE 87-01 Conditions IX.B.1 through 8]
 - a. Each boiler will exhaust to a fabric filter, using PTFE or teflon-laminated bags, for the control of particulate emissions.
 - b. Each boiler shall be equipped with a limestone injection and hydrated lime system for the control of SO₂, acid gas emissions (H₂SO₄ and HCl).
 - c. Each boiler shall be equipped with an ammonia injection system for the control of NO_x emissions.
 - d. The onsite fuel hog shall be wind enclosed for the control of particulate emissions.
 - e. The ash handling system shall be completely enclosed, and the ash storage silo equipped with a fabric filter, for the control of particulate emissions.
 - f. The cooling towers shall have drift controls installed to limit drift losses to 0.001 percent of the circulating water mass for the control of particulate emissions.
 - g. The Permittee shall install an enclosed petroleum coke storage facility; no open storage of petroleum coke shall be allowed.
2. Only natural gas, propane, or other such gas may be fired by the auxiliary burners. [PSD permit SE 87-01 Condition IX.D.1]
3. Treated wood or wood wastes, coal or coal byproducts and municipal solid waste other than wood waste, railroad ties, tire-derived fuel (TDF), and corrugated paper waste, shall not be used as a fuel by this facility. [PSD permit SE 87-01 Condition IX.D.2]
4. When wind speeds exceed 12 mph, the Permittee shall control particulate emissions from the fuel storage pile and from the ash storage pile through the use of regular watering. [PSD permit SE 87-01 Condition IX.D.5]
5. The Permittee shall meet the following requirements for the emergency generator (EU-9) and fire pump (EU-10):

- a. Operation of the emergency generator (EU-09) and fire pump (EU-10) shall not exceed 200 hours per calendar year each nor use more than 22 gallons of diesel per hour per unit. [PSD permit SE 87-01 Condition IX.D.6]
- ~~a.-b.~~ In order forFor the engine to be considered an emergency engine pursuant to applicable provisions of 40 CFR part 63, subpart ZZZZ, the Permittee must operate EU-09 and EU-10 as follows:
- (i) Operate EU-09 and EU-10 for any combination of the purposes specified in 40 CFR 63.6640(f)(2)(i) through (iii) for a maximum of 100 hours per calendar year each. Any operation for non-emergency situations as allowed by 40 CFR 63.6640(f)(3) counts as part of allowed 100 hours per calendar year. [40 CFR 63.6640(f)(2)]
- (ii) EU-09 and EU-10 may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours allowed by Condition No. II.B.5.b.ii. The 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity. [40 CFR 63.6640(f)(3)]
- c. Change oil and filter every 500 hours of operation or annually, whichever comes first. As an alternative, the Permittee may change the oil consistent with the oil analysis program at 40 CFR 63.6625(i); [Table 2c, Item 1 to 40 CFR Part 63, Subpart ZZZZ];
- ~~b~~d. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; [Table 2c, Item 1 to 40 CFR Part 63, Subpart ZZZZ];
- ~~e~~e. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary; [Table 2c, Item 1 to 40 CFR Part 63, Subpart ZZZZ];
- ~~d~~f. During periods of startup, the Permittee must minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply; [Table 2c, Item 1 to 40 CFR Part 63, Subpart ZZZZ];
- ~~e~~g. Operate and maintain each engine according to the manufacturer's emission-related operation and maintenance instructions; or develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions; ~~and~~ [Table 6, Item 9 to 40 CFR Part 63, Subpart ZZZZ];

- f. In order for the engine to be considered an emergency engine, the Permittee must operate the engine according to 40 CFR 63.6640(f)(1-3).

[40 CFR 63.6602; 40 CFR 63.6625(i); 40 CFR 63.6640(a); 40 CFR 63.6640(f); Table 2c, Item 1 to 40 CFR Part 63, Subpart ZZZZ; Table 6, Item 9 to 40 CFR Part 63, Subpart ZZZZ].

~~6. Operation of the emergency generator (EU-09) and fire pump (EU-10) shall not exceed 200 hours per calendar year each nor use more than 22 gallons of diesel per hour per unit. [PSD permit SE 87-01 Condition IX.D.6]~~

7. The Permittee shall comply at all times with the requirements of South Coast Air Quality Management District (SCAQMD) Rule 403 - Fugitive Dust - as required by the Monitoring & Enforcement Agreement (see Attachment A) to which the Permittee is a signatory. In addition, the Permittee shall comply with the following measures in order to minimize fugitive emissions from the ash storage pile [PSD permit SE 87-01 Condition IX.D.7]:
- a. The total amount of ash stored at any one time shall not exceed 13,500 tons.
 - b. Prior to transfer from the silo to the storage area, ash shall be conditioned with water to prevent dust generation during filling of the transfer truck, movement to the storage area, and placement in storage.
 - c. The ash storage pile shall not exceed 15 feet in height.
 - d. During reclamation from storage for transport, offsite or otherwise, any disturbed ash shall be sprayed with water to prevent dust generation.
 - e. Prior to movement offsite, transfer trucks shall be water washed, if necessary, to remove loose ash. Exposed ash on any ash transfer truck shall be either wetted or fully covered with a tarp to prevent dust generation during transport.
8. The Permittee shall utilize quarterly a minimum of fifty percent (50%) biomass materials (by weight) as feedstock in its solids fuel supply for the Facility. In any event, the Permittee shall utilize fuel mix rates which allow the plant to continually meet all EPA and SCAQMD emission standards applicable to the Permittee pursuant to the Monitoring and Enforcement Agreement. [PSD permit SE 87-01 Condition IX.D.9]
9. Except as specified in Condition II.C.4 of this permit, the Permittee shall utilize in any two-consecutive calendar-year periods a minimum annual average of 60,000 bone-dry tons of a combination of agricultural crop residue waste and woody waste generated from sources in Riverside County located within the Coachella Valley. [PSD permit SE 87-01 Condition IX.D.10]
10. The boilers comprising EU-01 may combust natural gas to satisfy the sulfur dioxide emission limit in Condition II.A.3 of this permit when the sulfur dioxide control system is

not being operated because of malfunction or maintenance of the sulfur dioxide control system. [40 CFR 60.42b(i)]

11. The Permittee shall not utilize on an hourly basis more than twenty percent (20%) each railroad ties, TDF, and corrugated paper waste calculated on an energy basis. In addition, the Permittee shall not utilize on an annual basis more than 15% each railroad ties, TDF, and corrugated paper waste calculated on an energy basis. [PSD permit SE 87-01 Condition IX.D.11]
12. The Permittee must have a one-time energy assessment performed by a qualified energy assessor pursuant to the requirements of 40 CFR Part 63, Subpart DDDDD, Table 3. [40 CFR 63.7510(e)]
13. The Permittee must conduct a tune-up of the boilers every five years pursuant to the requirements of 40 CFR Part 63, Subpart DDDDD, Table 3. [40 CFR 63.7540(a)(12)]
14. The Permittee must establish a minimum dry sorbent injection rate as defined in 40 CFR 63.7575 and develop an operating limit pursuant to Table 7, Item 2b requirements. The monitoring system for the dry sorbent injection rate must meet the requirements in 40 CFR 63.7525(i)(1) and (2). [40 CFR 63.7525(i)]

- a. In the alternative, the Permittee may establish an alternative site-specific maximum SO₂ emission rate according to §63.7530(b) and operate an SO₂ CEMS pursuant to 40 CFR 63.7525(m).
- b. In the alternative, the Permittee may install, operate and maintain an HCl CEMS pursuant to 40 CFR 63.7540(a)(15).
- c. The Permittee is instructed to comply with applicable requirements for preconstruction review pursuant to 40 CFR part 49.151-167 for any new equipment installation.

[40 CFR Part 63, Subpart DDDDD, Tables 4 and 7; 40 CFR 63.7500(a); 40 CFR 63.7525(l)(2), 40 CFR 63.7525(l)(8); 40 CFR 63.7525(m); 40 CFR 63.7530(b); 40 CFR part 49.151-167]

15. To comply with emission and operating requirements for mercury, the Permittee must either install, operate and maintain a ~~mercury~~Mercury CEMS according to 40 CFR 63.7540(a)(14~~); or~~

- a. In the alternative, the Permittee may establish and maintain a minimum ~~activated carbon injection rate;~~ as defined in 40 CFR 63.7575; ~~or a maximum boiler operating load according to 40 CFR 63.7520(e);~~ and develop an operating limit pursuant to Table ~~4 and Table 7, Item 3~~ requirements.
- b. The Permittee is instructed to comply with applicable requirements for preconstruction review pursuant to 40 CFR part 49.151–167 for any new equipment installation.

[40 CFR Part 63, Subpart DDDDD, Tables 4 and 7; 40 CFR 63.7500(a); 40 CFR 63.7530(b), 40 CFR 63.7540(a)(14), 40 CFR 63.7525(l)(2); 40 CFR 63.7525(l)(8); 40 CFR part 49.151-167]

16. The Permittee must comply with the fuel analysis requirements for emissions of HCl and ~~mercury~~Mercury pursuant to 40 CFR Part 63, Subpart DDDDD, Table 6 if not operating a ~~mercury~~Mercury CEMS for compliance with Mercury limits or an HCl or SO₂ CEMS for compliance with HCl limits. [40 CFR 63.7521; 40 CFR 63.7525(l)(8)]
17. Additional requirements for Hydrated Lime Delivery System Pursuant to 40 CFR 49.153(a)(2) Minor NSR in Indian Country [PSD permit SE 87-01 Condition XI]

Emission Unit	Description
EU-11	Hydrated Lime Storage Silo (with fabric filter)
EU-13	Hydrated Lime Truck Traffic

- a. Emissions Limitations and Work Practice Standards
- Vehicle miles traveled (VMT) for truck traffic associated with deliveries of hydrated lime (EU-13) to the permitted source shall not exceed 280 miles per 12-month period.
 - Annual delivery and usage of hydrated lime shall not exceed 2365 tons per 12-month period.
- b. Monitoring and Testing Requirements
- The Permittee shall monitor on a monthly basis each delivery of hydrated lime (in tons) and the VMT for each delivery.
 - At least once per calendar month, the Permittee shall inspect the interior and exterior of the fabric filters of EU-11 for evidence of damage or leaks and take appropriate corrective actions to restore filters to proper operation before resuming normal operations.
- c. Recordkeeping and Reporting Requirements
- The Permittee shall maintain records on a monthly basis of each delivery related to hydrated lime, including the tons of hydrated lime delivered and VMT for each delivery, and determine the 12-month rolling total for each.
 - The Permittee shall maintain records of the dates and results of each filter inspection performed pursuant to Condition II.B.4917.b.ii and any corrective actions taken as a result of the required inspections shall be

recorded.

II.C. Monitoring and Testing Requirements

1. Annually, and at such other times as specified by EPA, the Permittee shall conduct performance tests for NO_x, SO₂, PM, PM₁₀, CO, hydrocarbon, HCl, and mercury emissions from the boilers comprising EU-01 and furnish EPA a written report of the results of such tests. The tests for NO_x, SO₂, PM₁₀ and CO shall be conducted at the maximum operating capacity of the facility being tested. Upon written request (Attn: Air Section, ENF-2-1) from the Permittee, EPA may approve the conducting of performance tests at a lower specified production rate. After initial performance tests and upon written request and adequate justification from the Permittee, EPA may waive a specified annual test for the biomass-fired facility. Annual performance tests for PM, HCl, and mercury must be completed no more than 13 months after the previous test, except as specified in 40 CFR 63.7515(b), (c) and (g). [PSD permit SE 87-01 Condition IX.C.1, 40 CFR 71.6(c), 40 CFR 63.7515(a)]
2. Performance tests for the emissions of NO_x, SO₂, PM, PM₁₀, CO, hydrocarbons, HCl, and mercury as required by Condition II.C.1 of this permit shall be conducted and the results reported in accordance with Condition II.E.6 [PSD permit SE 87-01 Condition IX.C.2, 40 CFR 71.6(c)]:
 - a. Performance tests for the emissions of SO₂ shall be conducted using EPA Test Methods 1-4 and 8.
 - b. Performance tests for the emissions of PM shall be conducted using EPA Test Methods 1-4 (for general source test requirements; Method 5 or 17 (positive pressure fabric filters must use Method 5D), and Method 19 (for F-factor methodology). [40 CFR Part 63, Subpart DDDDD, Table 5]
 - c. Performance tests for the emissions of PM₁₀ shall be conducted using EPA Test Methods 1-4 and Method 5 and 201A.
 - d. Performance tests for the emissions of CO shall be conducted using EPA Test Methods 1-4 and 10. ~~Use a measurement span value of 2 times the concentration of the applicable emission limit.~~
 - e. Performance tests for the emissions of NO_x shall be conducted using EPA Test Methods 1-4 and 7.
 - f. Performance tests for the emissions of HCl shall be conducted using EPA Test Methods 1-4 (for general source test requirements); Method 26 or 26A (to measure HCl concentration); and Method 19 (for F-factor methodology). [40 CFR Part 63, Subpart DDDDD, Table 5]
 - g. Performance tests for the emissions of Mercury shall be conducted using EPA Test Methods 1-4 (for general source test requirements); Methods 29, 30A, 30B, Method 101A, or ASTM Method D6784 (to measure mercury concentration); and

Method 19 (for F-factor methodology). [40 CFR Part 63, Subpart DDDDD, Table 5]

3. The EPA (Attn: Air Section, ENF-2-1) shall be notified in writing at least 60 days prior to the tests described in Condition II.C.2 of this permit to allow time for the development of an approvable performance test plan and to arrange for an observer to be present at the test. Such prior approval shall minimize the possibility of EPA rejection of test results for procedural deficiencies. In lieu of the above-mentioned test methods, equivalent methods may be used with prior written approval from the EPA. [PSD permit SE 87-01 Condition IX.C.2 and 40 CFR 63.7545(d)]
4. For performance test purposes, sampling ports, platforms and access shall be provided by the Permittee on the boiler exhaust systems in accordance with 40 CFR 60.8(e). [PSD permit SE-87-01 Condition IX.C.3]
5. Periodic fuel sampling shall be done to ensure compliance of fuel with permit conditions. This condition may be satisfied by the fuel monitoring specified by this permit. [PSD permit SE 87-01 Condition IX.D.3]
6. The Permittee shall retest emissions of toxic pollutants while burning combined fuels each time EPA in consultation with SCAQMD determines that its fuel composition may cause health risks to exceed the acceptable thresholds. All retest results shall also be submitted to the Cabazon Band, EPA and SCAQMD. [PSD permit SE-87-01 Condition IX.D.8]
7. To determine compliance with the minimum annual feedstock requirement in Condition II.B.87 of this permit, the Permittee shall submit to the Cabazon Band and Riverside County accurate records on a calendar quarter basis. [PSD permit SE 87-01 Condition IX.D.9]
8. To determine compliance with the minimum annual average tonnage requirement in Condition II.B.87 of this permit, the Permittee shall submit to Riverside County and the Cabazon Band accurate records on a calendar quarter basis. In the event the Permittee documents, and Riverside County verifies, that the biomass fuel supply in the Coachella Valley is unavailable, does not meet the Permittee's quality requirements, or is priced non-competitively with respect to other available biomass sources, the Permittee may satisfy the bone-dry tonnage requirement by utilizing biomass tonnage documented by it to have been generated within other areas of Riverside County. [PSD permit SE 87-01 Condition IX.D.10]
9. The Permittee shall install, maintain and operate the following continuous monitoring systems in each boiler exhaust stack [PSD permit SE 87-01 Condition IX.J.1; 40 CFR 60.47b(a); 40 CFR 60.48b(a); 40 CFR 60.48b(b)(1); 40 CFR 63.7525(a); 40 CFR 60.13 and 40 CFR 60, Appendix B, Performance Specifications 2, 3 and 4]:
 - a. Continuous monitoring systems to measure stack gas SO₂, CO and NO_x concentrations as well as oxygen levels. The system shall meet EPA monitoring

performance specifications and the requirements at 40 CFR 63.7525 (a)(1)-(6) for the continuous monitoring of CO and oxygen.

- i. In the alternative, to the Permittee may develop an operating limit for oxygen and install, maintain and operate a continuous oxygen analyzer and develop a site-specific monitoring plan pursuant to the provisions at 40 CFR 63.7575 and 63.7505(d)(1)-(6).
 - b. A continuous monitoring system to measure stack gas volumetric flow rates. The system shall meet EPA performance specifications (40 CFR 52, Appendix E).
 - c. A continuous opacity monitoring system that continuously measures the stack gas opacity. The system shall meet EPA monitoring performance specifications (40 CFR 60.13 and 40 CFR 60, Appendix B, Performance Specification 1).
10. The Permittee shall conduct performance tests annually to determine compliance with the percent of sulfur dioxide emission rate (%Ps) and the sulfur dioxide emission rate (Es) found in Condition II.A.3 of this permit following the procedures listed below [40 CFR 60.45b(c)]:
 - a. If only petroleum coke is combusted, the procedures found in 40 CFR 60.45b(c)(2) shall be used. [40 CFR 60.45b(c)(2)]
 - b. If petroleum coke is combusted with other fuels, the procedures found in 40 CFR 60.45b(c)(3) and 60.45b(c)(4) shall be used. [40 CFR 60.45b(c)(3), 60.45b(c)(4)]
11. Compliance with the sulfur dioxide emission limits and percent reduction requirements under Condition II.A.2 of this permit shall be based on the average emission rates and the average percent reduction for sulfur dioxide for 30 successive steam generating unit operating days. A separate performance test is completed at the end of each steam generating unit operating day after the initial performance test, and a new 30-day average emission rate and percent reduction for sulfur dioxide are calculated to show compliance with the standard. [40 CFR 60.45b(g)]
12. Except when burning only natural gas, the Permittee shall use all valid sulfur dioxide emissions data in calculating % P_s and E_{ho} under 40 CFR 60.45b(c) whether or not the minimum emissions data requirements under 40 CFR 60.46b are achieved. All valid emissions data, including valid sulfur dioxides emission data collected during periods of startup, shutdown and malfunction, shall be used in calculating % P_s and E_{ho} pursuant to Condition II.C.10 of this permit. [40 CFR 60.45b(h)]
13. During periods of malfunction or maintenance of the sulfur dioxide control systems when natural gas is combusted as provided under 40 CFR 60.42b(i), emissions data must be used to determine compliance with the sulfur dioxide emission limit in Condition II.A.3 of this permit. [40 CFR 60.45b(i)]

14. Compliance with the particulate matter emission standards in Condition II.A.5 of this permit shall be determined through annual performance testing using the test methods and procedures described in 40 CFR 60.46b(d). [40 CFR 60.46b(b)]
15. In order to demonstrate compliance with the sulfur dioxide emission standard of Condition II.A.2 of this permit, the Permittee shall obtain emission data for at least 75 percent of the operating hours in at least 22 out of 30 successive boiler operating days. If this minimum data requirement is not met with a single monitoring system, the Permittee shall supplement the emission data with data collected with other monitoring systems as approved by the Administrator. [40 CFR 60.47b(c)]
16. The 1-hour average sulfur dioxide emission rates measured by the CEMS required by 40 CFR 60.47b(a) and 40 CFR 60.13(h) is expressed in ng/J or lb/million Btu heat input and is used to calculate the average sulfur dioxide emission rates in Condition II.A.2 of this permit. Each 1-hour average sulfur dioxide emission rate must be based on more than 30 minutes of steam generating unit operation and include at least 2 data points with each representing a 15-minute period. Hourly sulfur dioxide emission rates are not calculated if the facility is operated less than 30 minutes in a 1-hour period and are not counted toward determination of a steam generating unit operating day. [40 CFR 60.47b(d)]
17. The procedures under 40 CFR 60.13 shall be followed for installation, evaluation, and operation of the sulfur dioxide CEMS. [40 CFR 60.47b(e)]
 - a. All CEMS shall be operated in accordance with the applicable procedures under Performance Specifications 1, 2, and 3 (40 CFR 60 - Appendix B).
 - b. Quarterly accuracy determinations and daily calibration drift tests shall be performed in accordance with Procedure 1 (40 CFR 60 - Appendix F).
 - c. When the facility combusts coke, alone or in combination with other fuels, the span value of the sulfur dioxide CEMS at the inlet to the sulfur dioxide control device is 125 percent of the maximum estimated hourly potential sulfur dioxide emissions of the fuel combusted, and the span value of the CEMS at the outlet to the sulfur dioxide control device is 50 percent of the maximum estimated hourly potential sulfur dioxide emissions of the fuel combusted.
18. The nitrogen dioxide and opacity continuous monitoring systems required under 40 CFR 60.48b(b) shall be operated and data recorded during all periods of operation of the affected facility except for continuous monitoring system breakdowns and repairs. Data is recorded during calibration checks, and zero and span adjustments. [40 CFR 60.48b(c)]
19. The 1-hour average nitrogen oxides emission rates measured by the continuous nitrogen oxides monitor required by 40 CFR 60.48b(b) and 40 CFR 60.13(h) shall be expressed in ng/J or lb/million Btu heat input and shall be used to calculate the average emission rates under 40 CFR 60.44b. The 1-hour averages shall be calculated using the data points required under 40 CFR 60.13(b). At least 2 data points must be used to calculate each 1-hour average. [40 CFR 60.48b(d)]

20. The procedures under 40 CFR 60.13 shall be followed for installation, evaluation, and operation of the nitrogen dioxide and opacity continuous monitoring systems. [40 CFR 60.48b(e)]
- When combusting petroleum coke or wood, the span value for a continuous monitoring system for measuring opacity shall be between 60 and 80 percent.
 - When combusting petroleum coke or natural gas, the span value for nitrogen oxides shall be determined as provided in 40 CFR 60.49b(e)(2).
 - All span values computed under part b. of this Condition for combusting mixtures of regulated fuels must be rounded to the nearest 500 ppm.
21. When nitrogen oxides emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks and zero and span adjustments, emission data will be obtained by using standby monitoring systems, Method 7, Method 7A, or other approved reference methods to provide emission data for a minimum of 75 percent of the operating hours in each steam generating unit operating day, in at least 22 out of 30 successive steam generating unit operating days. [40 CFR 60.48b(f)]
22. The Permittee must develop a site-specific monitoring plan and obtain monitoring data according to 40 CFR 63.7535 for each continuous monitoring systems that is not operated pursuant to 40 CFR part 60 appendix B requirements and used to demonstrate compliance with any applicable Subpart DDDDD emission limit through performance testing and subsequent compliance with operating limits. [40 CFR 63.7505(d) and 40 CFR 63.7535]
23. The Permittee must demonstrate continuous compliance with applicable Subpart DDDDD Table 8 requirements. [40 CFR Part 63, Subpart DDDDD, Table 8. [40 CFR 63.7540]
24. To comply with the requirements of 40 CFR 64.7 and maintain continuous compliance with the PM₁₀ emission limit in II.A.4 and the opacity limit in II.A.7, the Permittee shall maintain and operate a continuous opacity monitoring system that continuously measures the stack gas opacity in Boilers 1 and 2. Such an excursion of the PM₁₀ emission limit shall be defined as an opacity reading that exceeds the average hourly opacity reading of 7.5%. An excursion of the PM₁₀ and/or opacity limits shall be defined as an hourly average that exceeds 7.5%. The monitoring system shall be calibrated to alarm when the opacity reaches an opacity of 7.5%, an excursion occurs which shall indicate a bag leak and will trigger the need for the following corrective action steps:
- Immediate investigation into the cause of the alarm.
 - If at any time during the issue causing corrective action steps in Condition II.C.24, the alarm cannot be corrected within 1 hour, shutdown of stack gas opacity exceeds the 10% limit in Condition II.A.7, the Permittee shall immediately shut

down the boiler(s) and associated fabric filter-system(s) and report any permit deviation pursuant to Condition III.C.

- c. Maintenance or replacement of the fabric filter component(s).
 - d. Return of units to normal operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.
 - e. Reporting and recordkeeping pursuant to section II.D and II.E of this permit and appropriate facility wide reporting in accordance with section III.C.1 of this permit.
25. At least once per calendar month, the Permittee shall inspect the interior and exterior of the fabric filters for EU 11 for evidence of damage or leaks and take appropriate corrective actions to restore filters to proper operation before resuming normal operations. [PSD permit SE 87-01 Condition XI.B.2]

II.D. Recordkeeping Requirements

1. The Permittee shall record and maintain daily records of the amounts and types of biomass fuel fired each calendar quarter, the amount of natural gas fired each calendar quarter, the amount of petroleum coke fired each calendar quarter, the amount of railroad ties fired each calendar quarter, the amount of TDF fired each calendar quarter, the amount of corrugated paper waste fired each calendar quarter, and the plant hours of operation. All information shall be recorded in a permanent form suitable for inspection. The file shall be retained for at least five years following the date of such measurements, calculation and record. [PSD permit SE-87-01 Condition IX.D.4]
2. The Permittee shall maintain a file of all measurements, including continuous monitoring systems evaluations; all continuous monitoring systems or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; performance and all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports and records. (Note: this does not alter the requirement in Condition III.B.2 of this permit that all records of monitoring data and support information required under this permit must be maintained for at least 5 years) [PSD permit SE-87-01 Condition IX.J.2]
3. The Permittee shall record and maintain, for the boilers, records of the amounts of each fuel combusted during each day and calculate the annual capacity factor individually for petroleum coke, natural gas, and wood for the reporting period. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month. [40 CFR 60.49b(d)]
4. The Permittee shall maintain records of opacity. [40 CFR 60.49b(f)]
5. The Permittee shall maintain records of the following information for each steam generating unit operating day -[40 CFR 60.49b(g)]:

- a. Calendar date.
 - b. The average hourly nitrogen oxides emission rates (expressed as NO₂ in units of ng/J or lb/million Btu heat input) measured or predicted.
 - c. The 30-day average nitrogen oxides emission rates (ng/J or lb/million Btu heat input) calculated at the end of each steam generating unit operating day from the measured or predicted hourly nitrogen oxide emission rates for the preceding 30 steam generating unit operating days.
 - d. Identification of the steam generating unit operating days when the calculated 30-day average nitrogen oxides emission rates are in excess of the nitrogen oxides emissions standards under Condition II.A.~~44~~12 of this permit, with the reasons for such excess emissions as well as a description of corrective actions taken.
 - e. Identification of the steam generating unit operating days for which pollutant data have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken.
 - f. Identification of the times when emission data have been excluded from the calculation of average emission rates and the reasons for excluding data.
 - g. Identification of “F” factor used for calculations, method of determination, and type of fuel combusted.
 - h. Identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system.
 - i. Description of any modifications to the continuous monitoring system that could affect the ability of the continuous monitoring system to comply with NSPS 40 CFR 60 - Performance Specification 2 or 3.
 - j. Results of daily CEMS drift tests and quarterly accuracy assessments as required under 40 CFR 60 - Appendix F, Procedure 1.
6. All records required by 40 CFR 60 - Subpart Db shall be maintained by the Permittee for a period of 2 years following the date of such record. (Note: this does not alter the requirement in Condition III.B.2 of this permit that all records of monitoring data and support information required under this permit must be maintained for at least 5 years) [40 CFR 60.49b(o)]
 7. The Permittee shall maintain records of the hours of operation and diesel fuel use for the emergency generator. [40 CFR 71.6(c)]
 8. The Permittee shall maintain records of all activities undertaken to comply with Condition II.B.~~76~~ of this permit, including (but not limited to) the following: monthly

records of the weight and height of the ash storage pile, dates of ash transfer from the silo to the storage area, and dates of ash transfer offsite. [40 CFR 71.6(c)]

9. The Permittee shall maintain a log of continuous opacity monitoring data and submit the most recent six months of data to EPA in the semi-annual monitoring reports required by condition III.C.1. ~~At a minimum, the log shall contain the following records:~~
- ~~a. Daily report trends: hourly, daily and average baghouse inlet and outlet temperature~~
 - ~~b. Hourly average pico amps (pA) reported as gr/dsef~~
 - ~~c. Alarm level~~
 - ~~d. Total number of bag leak alarms per month~~
 - ~~e. Date, time, and duration of each alarm~~
 - ~~f. Description of each alarm~~
 - ~~g. Corrective action taken (if any) in response to each bag leak alarm~~
 - ~~h. Corrective action cause and response time detail~~
 - ~~i. Total process running time period.~~
 - ~~j. Percentage of time in alarm for period.~~
 - ~~k. Monthly high pA, reported as gr/dsef~~
 - ~~l. Monthly low pA, reported as gr/dsef~~
 - ~~m. Monthly Average pA, reported as gr/dsef~~
 - ~~n. Monthly high opacity reading~~
 - ~~o. Monthly low opacity reading~~
 - ~~p. Monthly average opacity reading~~
 - ~~q. The dates of each bag leak inspection~~

[40 CFR 64.9(b)]

10. The Permittee shall maintain records of the dates and results of each filter inspection performed pursuant to Condition II.C.24 and any corrective actions taken as a result of the required inspections shall be recorded.
11. The Permittee shall maintain records for the boilers comprising EU-01 according to 40 CFR 63.7555(a)(1) and (2), (b), (c), and (d) and according to Table 8 of 40 CFR Part 63, Subpart DDDDD. The Permittee must maintain such records according to 40 CFR 63.7560. [40 CFR 63.7540(a)(2), 40 CFR 63.7555]

II.E. Reporting Requirements

1. The Permittee shall submit a quarterly composition analysis of its petroleum coke supply to the Cabazon Band, EPA and SCAQMD. [PSD permit SE 87-01 Condition IX.D.8]
2. The Permittee shall submit a written report of all excess emissions to EPA (Attn: Air Section, ENF-2-1) for every calendar quarter. The report shall include the following [PSD permit SE 87-01 Condition IX.J.4, 40 CFR 60.49b(h)]:

- a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factors used, and the date and time of commencement and completion of each time period of excess emissions.
 - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the furnace/boiler system. The nature and cause of any malfunction (if known) and the corrective action taken or preventive measures adopted shall also be reported.
 - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks, and the nature of the system repairs or adjustments.
 - d. When no excess emissions have occurred or the continuous monitoring system has not been inoperative, repaired, or adjusted, such information shall be stated in the report.
 - e. Excess emissions shall be defined as any 3-hour period during which the average emissions of SO₂, NO_x, or CO, as measured by the CEM, exceeds the maximum 3-hour emission limits set forth in Conditions II.A.1, 9, and 11 of this permit and any calendar day during which the average emissions of NO_x as measured by the CEM, exceeds the maximum daily emission limit set forth in II.A.11 above. Excess emissions shall also be defined as any period or periods aggregating more than three minutes in any one hour during which the stack gas opacity as measured by the CEM exceeds the limit set forth in Condition II.A.7 of this permit.
3. Excess emissions indicated by the CEM system shall be considered violations of the applicable emission limit for the purposes of this permit. [PSD permit SE 87-01 Condition IX.J.5]
 4. The Permittee shall submit semiannual reports of information recorded as required by Condition II.D.5 of this permit. [40 CFR 60.49b(i)]
 5. The Permittee shall submit reports of all information related to compliance with the sulfur dioxide emission limit and percent reduction requirement of Condition II.A.3 of this permit. [40 CFR 60.49b(j)]
 6. Regarding compliance and performance testing requirements of 40 CFR 60.45b and the reporting requirement in 40 CFR 60.49b(j), the following information shall be reported to the Administrator [40 CFR 60.49b(k)]:
 - a. Calendar dates covered in the reporting period.
 - b. Each 30-day average sulfur dioxide emission rate (ng/J or 1b/million Btu heat input) measured during the reporting period, ending with the last 30-day period; reasons for noncompliance with the emission standards; and a description of corrective actions taken.

- c. Each 30-day average percent reduction in sulfur dioxide emissions calculated during the reporting period, ending with the last 30-day period; reasons for noncompliance with the emission standards; and a description of corrective actions taken.
 - d. Identification of the steam generating unit operating days that petroleum coke was combusted and for which sulfur dioxide or diluent (oxygen or carbon dioxide) data have not been obtained by an approved method for at least 75 percent of the operating hours in the steam generating unit operating day; justification for not obtaining sufficient data; and description of corrective action taken.
 - e. Identification of the times when emissions data have been excluded from the calculation of average emission rates; justification for excluding data; and description of corrective action taken if data have been excluded for periods other than those during which coal or oil were not combusted in the steam generating unit.
 - f. Identification of “F” factor used for calculations, method of determination, and type of fuel combusted.
 - g. Identification of times when hourly averages have been obtained based on manual sampling methods.
 - h. Identification of the times when the pollutant concentration exceeded full span of the CEMS.
 - i. Description of any modifications to the CEMS that could affect the ability of the CEMS to comply with 40 CFR 60 - Performance Specification 2 or 3.
 - j. Results of daily CEMS drift tests and quarterly accuracy assessments as required under 40 CFR 60 - Appendix F, Procedure 1.
 - k. The annual capacity factor of each fuel fired as provided under 40 CFR 60.49b(d)
7. The reporting period for the reports required under 40 CFR 60 - Subpart Db is each six-month period. All reports shall be submitted to the Administrator and shall be postmarked by the 30th day following the end of the reporting period. [40 CFR 60.49b(s)]
 8. The Permittee may submit electronic quarterly reports for SO₂ and/or NO_x and/or opacity in lieu of submitting the written reports required under 40 CFR 60.49b(h), (i), (j), (k) or (l). The format of each quarterly electronic report shall be coordinated with the permitting authority. The electronic report(s) shall be submitted no later than 30 days after the end of the calendar quarter and shall be accompanied by a certification statement from the owner or operator, indicating whether compliance with the applicable emission standards and minimum data requirements of this subpart was achieved during the reporting period. Before submitting reports in the electronic format, the owner or

operator shall coordinate with the permitting authority to obtain their agreement to submit reports in this alternative format. [40 CFR 60.49b(v)]

9. The Regional Administrator shall be notified by telephone within 48 hours following any failure of air pollution control equipment, process equipment, or of a process to operate in a normal manner which results in an increase in emissions above any allowable emissions limit stated in Section II of these conditions. In addition, the Regional Administrator shall be notified in writing within fifteen (15) days of any such failure. This notification shall include a description of the malfunctioning equipment or abnormal operation, the date of the initial failure, the period of time over which emissions were increased due to the failure, the cause of the failure, the estimated resultant emissions in excess of those allowed under Section II of these conditions, and the methods utilized to restore normal operations. Compliance with this malfunction notification provision shall not excuse or otherwise constitute a defense to any violations of this permit or of any law or regulations which such malfunction may cause. [PSD permit SE 87-01 Condition IV]
10. The Permittee shall submit semiannual compliance reports required pursuant to 40 CFR part 63, Subpart DDDDD, Table 9 and according to the procedures in 40 CFR 63.7550(h)(1) through (3). [40 CFR 63.7550]
11. The Permittee shall submit the applicable notifications to the EPA in 40 CFR 63.7(b) and (c); 40 CFR 63.8(e), (f)(4), and (6); 40 CFR 63.9(b) through (h); and 40 CFR 63.7545(g) and (h). [40 CFR 63.7545]
12. All correspondence as required by PSD permit SE 87-01 shall be forwarded to:
[PSD permit SE 87-01 Condition X]
 - a. Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
 - b. Chief, Industrial Strategies Division
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95814
 - c. Executive Officer
South Coast Air Quality Management District
21865 E. Copley Drive
Diamond Bar, CA 91765

II.F. Emission Mitigation Conditions

[PSD permit SE 87-01, Condition IX.L]

1. As used in this permit, "Monitoring and Enforcement Agreement" shall mean that certain agreement executed by Colmac Energy, Inc. on May 10, 1989, executed thereafter by SCAQMD, the Cabazon Band of Mission Indians, the County of Riverside, and the

Coachella Valley Association of Governments, and consented to by the Department of Interior, Bureau of Indian Affairs and by the Environmental Protection Agency (see Attachment A). A copy of the agreement shall be retained and made available for public review at the Region 9 office of EPA, San Francisco, California and at the SCAQMD office in Diamond Bar, California. [PSD permit SE 87-01, Condition IX.L.1]

2. Emission Mitigation Options [PSD permit SE 87-01, Condition IX.L.2]:

- a. Measures to mitigate emissions from the facility shall be provided by the payments required by paragraph 13 of the Monitoring and Enforcement Agreement. These payments shall be in lieu of all air emissions offsets for the permitted emissions for the project subject to the conditions set forth in subparagraph (b) below.
- b. In the event that the permitted emissions for the facility, as allowed by this permit or any amendment thereto, are greater than one-half the offset credit amounts listed in this subparagraph as Available Open Field Burning Offset Credits, which amounts have been accepted as previously available to the facility, then the facility must provide additional offsets for each day the plant operates to mitigate facility emissions to the extent that a daily permitted emission exceeds the daily Available Open Field Burning Offset Credit amount.

Available Open Field Burning Offset Credits

<u>Pollutants</u>	<u>lb/day</u>
NO _x	2,134
SO ₂	2,192
CO	48,312
HC	3,690
PM	2,790

In the event that the number of operating days exceeds 330 in any 365-day period, then the daily offset credits listed above shall be reduced by the ratio of 330 divided by the actual number of operating days in that period.

- c. Offsets required pursuant to subparagraph (b) above may be provided by open field burning credits from within the Southeast Desert Air Basin as defined on June 10, 1987 and in accordance with the ARB/CAPCOA recommended procedure, dated June 21, 1984 [A Procedure to Implement the Provisions of Health and Safety Code Section 41605 Relating to the Determination of Agricultural/Forestry Emission Offset Credits ("the ARB/CAPCOA recommended procedure")]. The emission offset credit shall be calculated using the ARB/CAPCOA recommended procedure. Alternatively, any offsets required pursuant to subparagraph (b) may be provided in accordance with the regulations of SCAQMD or by any combination of Open Field Burning Offset Credits and other SCAQMD complying offsets.

3. Pursuant to paragraph 14 of the Monitoring and Enforcement Agreement, the Permittee agrees to use its best efforts to acquire agricultural waste through agreements negotiated with farmers or other suppliers in the Coachella Valley, and with the assistance of the county by directly encouraging farmers to provide such wastes, which wastes would otherwise have been burned in the open field in the Coachella Valley but could, consistent with sound agricultural practices, be obtained by the Permittee and burned in the permitted facility as fuel. [PSD permit SE 87-01, Condition IX.L.3]
4. The Permittee shall require and maintain fuel receipts, bills of lading or transportation manifests, and scale records for acquisition and transportation of fuel acquired from within the Coachella Valley which would otherwise be burned in the open field. Record-keeping shall include daily records of weight, type, and geographic location of origin of fuel received for combustion at the permitted facility and the number of operating days in the previous 365-day period.[PSD permit SE 87-01, Condition IX.L.4]
5. Each year, on the anniversary of the date of initial combustion of biomass fuel at the facility, the Permittee shall submit the records maintained in accordance with this condition to EPA (Attn: Air Section, ENF-2-1) and to the SCAQMD office in Diamond Bar, California. [PSD permit SE 87-01, Condition IX.L.5]
6. All of the above information shall be recorded by the Permittee in a permanent form suitable for inspection, and the file shall be retained for at least two years following the date of such measurements, calculation, and record. [PSD permit SE 87-01 Condition IX.L.6]
7. After the end of the ten year period commencing with the initial start up of the permitted facility on biomass fuel ("the ten year period") the Permittee shall continue to fully offset emissions from the plant in accordance with the options provided for in paragraph 16 of the Monitoring and Enforcement Agreement. The following procedures shall apply [PSD permit SE 87-01, Condition IX.L.7]:
 - a. In the event that the Permittee elects to continue the payments as provided in paragraph 13 of the Monitoring and Enforcement Agreement, then the provisions of this condition II.F shall remain in effect. Such election by the Permittee shall be made prior to the end of the ten year period in writing delivered by certified mail to EPA, Region 9, Air and Radiation Division, with copies to SCAQMD and the County of Riverside.
 - b. Alternatively, in the event that the Permittee has not made the election provided for in subparagraph (a) above and EPA has not approved an amendment to the permit prior to the end of the ten year period, which amendment provides for an alternative means of offsetting plant emissions in conformance with paragraph 16 of the Monitoring and Enforcement Agreement, then paragraph IX.L of the PSD permit SE 87-01 as originally issued June 28, 1988 shall be reinstated without further action by EPA.
 - c. SCAQMD and the County of Riverside shall be given notice by EPA of any proposed amendment to this permit.

II.G. NSPS General Provisions

[40 CFR Part 60, Subpart A]

The following requirements apply to the operation, maintenance, and testing of the boilers comprising EU-01 in accordance with 40 CFR Part 60, Subpart Db (“Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units”)

1. All requests, reports, applications, submittals, and other communications to the Administrator pursuant to 40 CFR Part 60 shall be submitted in duplicate to the EPA Region 9 office at the following address [40 CFR 60.4(a)]:

Director, Air and Radiation Division (Attn: AIR-1)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
2. Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.
[40 CFR 60.7(b)]
3. Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and-or summary report form (see paragraph (d) of this section) to the Administrator semi-annually, except when: more frequent reporting is specifically required by an applicable subpart; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the following information [40 CFR 60.7(c)]:
 - a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.
 - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.
 - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

- d. When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.
4. The summary report form shall contain the information and be in the format shown in Figure 1 in 40 CFR 60.7(d), unless otherwise specified by the Administrator. One summary report form shall be submitted for each pollutant monitored at each affected facility. [40 CFR 60.7(d)]
- a. If the total duration of excess emissions for the reporting period is less than 1 percent of the total operating time for the reporting period and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in 40 CFR 60.7(c) need not be submitted unless requested by the Administrator.
 - b. If the total duration of excess emissions for the reporting period is 1 percent or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, the summary report form and the excess emission report described in 40 CFR 60.7(c) shall both be submitted.
5. Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as follows [40 CFR 60.7(f)]:
- a. This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under Condition II.G.5 of this permit, the owner or operator shall retain the most recent consecutive three averaging periods of sub-hourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.
 - b. This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS hourly measurements as required under Condition II.G.5 of this permit, the owner or

operator shall retain all hourly measurements for the most recent reporting period. The hourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

- c. The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by Condition II.G.5 of this permit, if the Administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.
6. The availability to the public of information provided to, or otherwise obtained by, the EPA Administrator under this permit shall be governed by 40 CFR Part 2. (Information submitted voluntarily to the Administrator for the purposes of compliance with 40 CFR 60.5 and 60.6 is governed by 40 CFR 2.201 through 2.213 and not by 40 CFR 2.301.) [40 CFR 60.9]
7. Compliance with standards in 40 CFR 60 - Subpart Db, other than opacity standards, shall be determined in accordance with performance tests established by 40 CFR 60.8, unless otherwise specified in Section II.C of this permit. [40 CFR 60.11(a)]
8. Compliance with opacity standards in 40 CFR 60 - Subpart Db shall be determined by conducting observations in accordance with Reference Method 9 in 40 CFR 60 - Appendix A, any alternative method that is approved by the Administrator, or as provided in paragraph 40 CFR 60.11(e)(5). For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard). [40 CFR 60.11(b)]
9. The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard. [40 CFR 60.11(c)]
10. At all times, including periods of startup, shutdown, and malfunction, the Permittee shall, to the extent practicable, maintain and operate this facility including associated air pollution control equipment as efficiently as possible in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. [40 CFR 60.11(d), PSD permit SE 87-01 Condition III]
11. For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in 40 CFR Part 60, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. [40 CFR 60.11(g)]

12. No owner or operator subject to the provisions 40 CFR Part 60 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere. [40 CFR 60.12]
13. For the purposes of this section, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring systems under appendix B to this part and, if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, appendix F to this part, unless otherwise specified in an applicable subpart or by the Administrator. Appendix F is applicable December 4, 1987. [40 CFR 60.13(a)]
14. All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under 40 CFR 60.8. Verification of operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation, and calibration of the device. [40 CFR 60.13(b)]
15. The Permittee shall conduct COMS or CEMS performance evaluations consistent with 40 CFR 60 - Appendix B, at such other times as may be required by the Administrator under section 114 of the Act. [40 CFR 60.13(c)]
16. Owners and operators of all continuous emission monitoring systems installed in accordance with 40 CFR 60 shall check the zero (or low-level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour span drift exceeds two times the limits of the applicable performance specifications in 40 CFR 60 - Appendix B. The system must allow the amount of excess zero and span drift measured at the 24-hour interval checks to be recorded and quantified, whenever specified. For continuous monitoring systems measuring opacity of emissions, the optical surfaces exposed to the effluent gases shall be cleaned prior to performing the zero and span drift adjustments except that for systems using automatic zero adjustments. The optical surfaces shall be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity. [40 CFR 60.13(d)(1)]
17. Unless otherwise approved by the Administrator, the following procedures shall be followed for continuous monitoring systems measuring opacity of emissions. Minimum procedures shall include a method for producing a simulated zero opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photodetector assembly. [40 CFR 60.13(d)(2)]

18. Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under paragraph (d) of this section, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows [40 CFR 60.13(e)]:
 - a. All continuous monitoring systems referenced by 40 CFR 60.13(c) for measuring opacity of emissions shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.
 - b. All continuous monitoring systems referenced by 40 CFR 60.13(c) for measuring emissions, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
19. All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of 40 CFR 60 - Appendix B shall be used. [40 CFR 60.13(f)]
20. Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to 6-minute averages and for continuous monitoring systems other than opacity to 1-hour averages for time periods as defined in 40 CFR 60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period. For continuous monitoring systems other than opacity, 1-hour averages shall be computed from four or more data points equally spaced over each 1-hour period. Data recorded during periods of continuous system breakdown, repair, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph. For owners and operators complying with the requirements in 40 CFR 60.7(f) (1) or (2), data averages must include any data recorded during periods of monitor breakdown or malfunction. An arithmetic or integrated average of all data may be used. The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O₂ or ng/J of pollutant). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits as used in the applicable subparts to specify the emission limit (e.g., rounded to the nearest 1 percent opacity). [40 CFR 60.13(h)]
21. After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring procedures or requirements of 40 CFR 60 including, but not limited to alternative monitoring requested for reasons listed in 40 CFR 60.13(i). [40 CFR 60.13(i)]
22. An alternative to the relative accuracy test for continuous monitoring systems specified in Performance Specification 2 of 40 CFR 60 - Appendix B may be requested as described in 40 CFR 60.13(j). [40 CFR 60.13(j)]

23. With respect to compliance with all New Source Performance Standards of 40 CFR Part 60, the Permittee shall comply with the “General notification and reporting requirements” found in 40 CFR 60.19. [40 CFR 60.19]

II.H. Permit Shield

1. Pursuant to 40 CFR 71.6(f), the EPA expressly states that a Permit Shield is incorporated herein that incorporates the applicable requirements of 40 CFR part 63 subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (“Subpart DDDDD”), specifically Table 4 - Operating Limits for Boilers and Process Heaters, Item No. 3; Table 7 - Establishing Operating Limits, Item No. 1c.; and Table 8 - Demonstrating Continuous Compliance, Item 1. Compliance with Conditions II.A.7, II.C.18, II.C.24, II.D.4 and II.D.9 of this permit shall be deemed compliance with Subpart DDDDD Table 4 - Operating Limits for Boilers and Process Heaters, Item No. 3; Table 7 - Establishing Operating Limits, Item No. 1c.; and Table 8 - Demonstrating Continuous Compliance, Item 1. The EPA warrants that all applicable Subpart DDDDD, Table 4, Item 3 requirements are specifically included and identified in this permit.

The EPA also expressly states that non-applicable requirements include the provisions at 40 CFR 63.6640(f)(1).

2. Nothing in this permit shall alter or effect the following [40 CFR 71.6(f)(3)]:
 - a. The provisions of section 303 of the Clean Air Act (emergency orders), including the authority of the Administrator under that section.
 - b. The liability of an owner or operator for any violation of applicable requirements prior to or at the time of permit issuance.
 - c. The applicable requirements of the acid rain program, consistent with section 408(a) of the Clean Air Act.

II.I. Compliance Schedule and Progress Reports [40 CFR sections 71.5(c)(8)(iii) and 71.6(c)(3)]

1. For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements.
2. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis.

III. Facility-Wide or Generic Permit Requirements

Conditions in this section of the permit (Section III) apply to all emissions units located at the facility. [See 40 CFR 71.6(a)(1)]

III.A. Testing Requirements [40 CFR 71.6(a)(3)]

In addition to the unit specific testing requirements derived from the applicable requirements for each individual unit contained in Section II of this permit, the Permittee shall comply with the following generally applicable testing requirements as necessary to ensure that the required tests are sufficient for compliance purposes:

1. Submit to EPA a source test plan 30 days prior to any required testing. The source test plan shall include and address the following elements:
 - 1.0 Purpose of the test
 - 2.0 Source Description and Mode of Operation During Test
 - 3.0 Scope of Work Planned for Test
 - 4.0 Schedule/Dates
 - 5.0 Process Data to be Collected During Test
 - 6.0 Sampling and Analysis Procedures
 - 6.1 Sampling Locations
 - 6.2 Test Methods
 - 6.3 Analysis Procedures and Laboratory Identification
 - 7.0 Quality Assurance Plan
 - 7.1 Calibration Procedures and Frequency
 - 7.2 Sample Recovery and Field Documentation
 - 7.3 Chain of Custody Procedures
 - 7.4 QA/QC Project Flow Chart
 - 8.0 Data Processing and Reporting
 - 8.1 Description of Data Handling and QC Procedures
 - 8.2 Report Content
2. Unless otherwise specified by an applicable requirement or permit condition in Section II, all source tests shall be performed at maximum operating rates (90% to 110%) of device design capacity).
3. Only regular operating staff may adjust the processes or emission control device parameters during a compliance source test. No adjustments are to be made within two (2) hours of the start of the tests. Any operating adjustments made during a source test, that are a result of consultation during the tests with source testing personnel, equipment vendors, or consultants, may render the source test invalid.
4. During each test run and for two (2) hours prior to the test and two (2) hours after the completion of the test, the Permittee shall record the following information:
 - a. Fuel characteristics and/or amount of product processed (if applicable).
 - b. Visible emissions.
 - c. All parametric data which is required to be monitored in Section II for the emission unit being tested.

- d. Other source specific data identified in Section II such as minimum test length (e.g., one hour, 8 hours, 24 hours, etc.), minimum sample volume, other operating conditions to be monitored, correction of O₂, etc.
5. Each source test shall consist of at least three (3) valid test runs and the emission results shall be reported as the arithmetic average of all valid test runs and in the terms of the emission limit. There must be at least 3 valid test runs, unless otherwise specified.
6. Source test reports shall be submitted to EPA within 60 days of completing any required source test.

III.B. Recordkeeping Requirements

[40 CFR 71.6 (a)(3)(ii)]

In addition to the unit specific recordkeeping requirements derived from the applicable requirements for each individual unit and contained in Section II, the Permittee shall comply with the following generally applicable recordkeeping requirements:

1. The Permittee shall keep records of required monitoring information that include the following:
 - a. The date, place, and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used;
 - e. The results of such analyses; and
 - f. The operating conditions as existing at the time of sampling or measurement.
2. The Permittee shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

III.C. Reporting Requirements

[40 CFR 71.6 (a)(3)(iii)]

1. The Permittee shall submit to EPA Region 9 reports of any monitoring required under 40 CFR 71.6(a)(3)(i)(A), (B), or (C) for each six month reporting period from January 1 to June 30 and from July 1 to December 31, except that the first reporting period shall cover the period from August 3, 2006 through December 31, 2006. All reports shall be submitted to EPA and shall be postmarked by the 30th day following the end of the reporting period. All instances of deviations from permit requirements must be clearly

identified in such reports. All required reports must be certified by a responsible official consistent with condition IV.E. [40 CFR 71.6 (a)(3)(iii)]

- a. A monitoring report under this section must include the following:
 - (1) The company name and address,
 - (2) The beginning and ending dates of the reporting period,
 - (3) The emissions unit or activity being monitored
 - (4) The emissions limitation or standard, including operational requirements and limitations (such as parameter ranges), specified in the permit for which compliance is being monitored.
 - (5) All instances of deviations from permit requirements, including those attributable to upset conditions as defined in the permit and including excursions or exceedances as defined under 40 CFR part 64, and the date on which each deviation occurred.
 - (6) If the permit requires continuous monitoring of an emissions limit or parameter range, the report must include the total operating time of the emissions unit during the reporting period, the total duration of excess emissions or parameter exceedances during the reporting period, and the total downtime of the continuous monitoring system during the reporting period.
 - (7) If the permit requires periodic monitoring, visual observations, work practice checks, or similar monitoring, the report shall include the total time when such monitoring was not performed during the reporting period and at the source's discretion either the total duration of deviations indicated by such monitoring or the actual records of deviations.
 - (8) All other monitoring results, data, or analyses required to be reported by the applicable requirement.
 - (9) The name, title, and signature of the responsible official who is certifying to the truth, accuracy, and completeness of the report.
- b. Any report required by an applicable requirement that provides the same information described in paragraph III.C.1.a(1) through (9) above shall satisfy the requirement under III.C.1.a.
- c. "Deviation," means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or record keeping established in accordance with 40 CFR 71.6(a)(3)(i) and (a)(3)(ii). For a situation lasting more than 24 hours, each 24-

hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

- (1) A situation when emissions exceed an emission limitation or standard;
- (2) A situation when there is an excursion of a process or control device
- (3) A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit.
- (4) A situation in which an exceedance or an excursion, as defined in the compliance assurance plan (40 CFR Part 64), occurs.

2. The Permittee shall promptly report to the EPA Regional Office deviations from permit or start-up, shut-down malfunction plan requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. "Prompt" is defined as follows:
 - a. Any definition of "prompt" or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit;
 - b. Where the underlying applicable requirement does not define prompt or provide a timeframe for reporting deviations, reports of deviations will be submitted based on the following schedule:
 - (1) For emissions of a hazardous air pollutant or a toxic air pollutant(as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
 - (2) For emissions of any regulated pollutant excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
 - (3) For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report required in paragraph III.C.1 of this permit.
3. If any of the conditions in III.C.2.b of this permit are met, the source must notify the permitting authority by telephone, facsimile, or electronic mail sent to AEO_R9@epa.gov, based on the timetable listed. A written notice, certified consistent with paragraph III.C.4 of this permit section must be submitted within 10 working days of the occurrence. All deviations reported under this section must also be identified in the 6-month report required under paragraph III.C.1 of this section.
4. Any application form, report, or compliance certification required to be submitted by this permit shall contain certification by a responsible official of truth, accuracy, and

completeness. All certifications shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

III.D. Other Applicable Regulations

[PSD permit SE 87-01 Condition VIII]

The Permittee shall construct and operate this facility in compliance with all other applicable provisions of 40 CFR Parts 52, 60 and 61 and all other applicable Federal, State and local air quality regulations.

III.E. New Source Performance Standards

[PSD permit SE 87-01 Condition IX.K]

The biomass-fired facility is subject to the Standards of Performance for New Stationary Sources 40 CFR 60, Subparts A and Db, including all emissions limits and all notification, testing, monitoring, and reporting requirements.

III.F. Chemical Accident Prevention

[Clean Air Act Sections 112(r)(1), 112(r)(3), 112(r)(7) & 40 CFR part 68]

1. The following activities are considered essential and necessary to satisfy the general duty requirements of section 112(r)(1) of the Act:
 - a. Identify hazards which may result from accidental releases using appropriate hazard assessment techniques.
 - b. Design, maintain, and operate a safe facility.
 - c. Minimize the consequences of accidental releases if they occur.
2. This facility is subject to 40 CFR part 68 and shall certify annual compliance with all requirements of 40 CFR part 68, including compliance with the risk management plan submitted to EPA. [40 CFR 68.215]

IV. Title V Administrative Requirements

IV.A. Payment of Fees and Reporting of Actual Emissions

1. The Permittee shall pay annual fees and submit actual emission reports in accordance with the procedures described below. Failure to pay fees in a timely manner shall subject the Permittee to assessment of penalties and interest in accordance with 40 CFR 71.9(l): [40 CFR 71.9(a), 71.9(h)(1)-(3), 71.9(j), 71.9(k), and 71.9(l)]
 - a. The Permittee shall pay the annual permit fee and submit the fee filing form by **September 22** of each year.

- b. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of the U.S. Environmental Protection Agency, along with Form **FF** (EPA Form 5900-06), to the address below:

U.S. Environmental Protection Agency
OCFO/OC/ACAD/FCB
Attn: Collections Team
1300 Pennsylvania Ave NW
Mail Code 2733R
Washington, DC 20004

- c. Part 71 fees can also be paid online at www.pay.gov using form “SFO 1.1 (EPA Miscellaneous Payments - Cincinnati Finance Center).” This form can be located on www.pay.gov. EPA Form **FF** cannot be used for online payments.
- d. Please send a photocopy of the check, the Fee Calculation Worksheet, Form **FEE** (EPA Form 5900-03) and Form **CTAC** (EPA Form 2060-0336) to this address:

Director, Air and Radiation Division (Attn: AIR-3-1)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

or by email to:

R9AirPermits@epa.gov

- e. If EPA determines that a source has completed the fee calculation work sheet incorrectly, the permitting authority shall bill the applicant for the corrected fee or credit overpayments to the source’s account.
- f. The Permittee shall calculate the fee using the following method:
- i. The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all “regulated pollutants (for fee calculation)” emitted from the source by the presumptive emissions fee (in dollars/ton) in effect at the time of calculation.
1. “Actual emissions” means the actual rate of emissions in tpy of any regulated pollutant (for fee calculation), as defined in 40 CFR 40 CFR 71.2, emitted from a Part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit’s actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year.

2. Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data. All emissions should be rounded to the nearest ton.
3. If actual emissions cannot be determined using the compliance methods in the permit, the Permittee shall use other federally recognized procedures.
- ii. The Permittee shall exclude the following emissions from the calculation of fees:
 1. The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year;
 2. Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation; and
 3. The quantity of actual emissions (for fee calculation) of insignificant activities defined in 40 CFR 71.5(c)(11)(i) or of insignificant emissions levels from emissions units identified in the Permittee's application pursuant to 40 CFR 71.5(c)(11)(ii).
- iii. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official, using **Form CTAC** (EPA Form 2060-0336).
 1. If the Permittee is notified by EPA of additional amounts due, the Permittee shall remit full payment within 30 days of receipt of the invoice.
 2. If the Permittee thinks that the assessed fee is in error, the Permittee shall provide a written explanation of the alleged error to EPA along with the assessed fee.
 3. The permitting authority shall, within 90 days of receipt of the correspondence, review the data to determine whether the assessed fee was in error. If an error was made, the overpayment shall be credited to the account of the part 71 source.
2. The Permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for 5 years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by EPA and used by the Permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with 40 CFR 71.6(a)(3)(ii). [See 40 CFR 71.9(i).]
3. The annual fee rates for each calendar year, Forms **FF**, **FEE** and **CTAC** can be located at <http://www.epa.gov/title-v-operating-permits/permit-fees>.

IV.B. Blanket Compliance Statement

[40 CFR 71.6(a)(6)(i) and (ii); sections 113(a) and 113(e)(1) of the Act; and 40 CFR sections 51.212, 52.12, 52.33, 60.11(g), and 61.12.]

1. The Permittee must comply with all conditions of this Part 71 permit. Any permit noncompliance, including, but not limited to, violation of any applicable requirement; any permit term or condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any regulation or order issued by the permitting authority pursuant to this part constitutes a violation of the Clean Air Act and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [40 CFR 71.6(a)(6)(i) and (ii).]
2. Determinations of deviations, continuous or intermittent compliance status, or violations of this permit, are not limited to the applicable testing or monitoring methods required by the underlying regulations or this permit; other credible evidence (including any evidence admissible under the Federal Rules of Evidence) must be considered in such determinations. [Section 113(a) and 113(e)(1) of the Act, 40 CFR sections 51.212, 52.12, 52.33, 60.11(g), and 61.12.]

IV.C. Compliance Certifications

[40 CFR 71.6(c)(5)]

1. The Permittee shall submit to EPA Region 9 a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, postmarked by January 30 of each year and covering the previous calendar year, exception that the first certification following the issuance of this permit shall cover the period from August 3, 2006 through December 31, 2006 and shall be postmarked by January 30, 2007
2. The certification shall include the following:
 - a. Identification of each permit term or condition that is the basis of the certification.
 - b. Identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Clean Air Act, which prohibits knowingly making a false certification or omitting material information.
 - c. The compliance status of each term and condition of the permit for the period covered by the certification based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification.

- d. Whether compliance with each permit term was continuous or intermittent.

IV.D. Duty to Provide and Supplement Information

[40 CFR sections 71.6(a)(6)(v), 71.5(b)]

The Permittee shall furnish to EPA, within a reasonable time, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the Permittee shall also furnish to the EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential should be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B. The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after this permit is issued.

IV.E. Submissions

[40 CFR sections 71.5(d), 71.6 and 71.9]

1. Any document required to be submitted with this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. All documents required to be submitted, including reports, test data, monitoring data, notifications, compliance certifications and fee calculation worksheets shall be submitted to:

EPA Region IX (Attn: Air Section, ENF-2-1)
75 Hawthorne Street
San Francisco, CA 94105

2. Electronic Submittal Option: In lieu of submitting documents in hardcopy according to Condition IV.E.1, the Permittee may submit documents electronically through the EPA's Compliance and Emissions Data Reporting Interface (CEDRI). CEDRI can be accessed through EPA's Central Data Exchange (CDX) at <https://cdx.epa.gov/>. Confidential Business Information (CBI) may not be submitted through CDX and must be submitted according to Condition IV.E.1. EPA continuously updates the CEDRI interface, and the Permittee may use the system in lieu of hardcopy submissions for any documents that the system will accept, including those required by 40 CFR 71.4(b)(12)(i) – Notification of 502(b)(10) changes, 40 CFR 71.5 – Title V permit applications, 40 CFR 71.6(a)(3)(iii)(A) – Semi-annual monitoring reports, and 40 CFR 71.6(c)(5)(iii) – Annual compliance certification reports.

IV.F. Severability Clause

[40 CFR 71.6(a)(5), PSD permit SE 87-01 Condition VII]

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

IV.G. Permit Actions

[40 CFR 71.6(a)(6)(iii)]

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

IV.H. Reopening for Cause

[40 CFR 71.7(f)]

1. EPA shall reopen and revise the permit prior to expiration under any of the following circumstances:
 - a. Additional applicable requirements under the Act become applicable to a major part 71 source with a remaining permit term of 3 or more years.
 - b. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.
 - c. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - d. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

IV.I. Property Rights

[40 CFR 71.6(a)(6)(iv)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

IV.J. Inspection and Entry

[40 CFR 71.6(c)(2), PSD permit SE 87-01 Condition V]

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives from EPA or the Cabazon Band of Mission Indians to perform the following:

1. Enter upon the Permittee's premises where a Part 71 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
4. As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

IV.K. Emergency Provisions

[40 CFR71.6(g)]

1. In addition to any emergency or upset provision contained in any applicable requirement, the Permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the Permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. an emergency occurred and that the Permittee can identify the cause(s) of the emergency;
 - b. the permitted facility was at the time being properly operated;
 - c. during the period of the emergency the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
 - d. the Permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements of Condition III.C.2 of this permit.
 - e. In any enforcement proceeding the Permittee attempting to establish the occurrence of an emergency has the burden of proof.
2. An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

IV.L. Transfer of Ownership or Operation

40 CFR 71.7(d)(1)(iv), PSD permit SE 87-01 Condition VI]

1. A change in ownership or operational control of this facility may be treated as an administrative permit amendment if the EPA determines no other change in this permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new Permittee has been submitted to EPA.
2. In the event of any changes in control or ownership of facilities to be constructed or modified, PSD permit SE 87-01 shall be binding on all subsequent owners and operators. The applicant shall notify the succeeding owner and operator of the existence of this Approval to Construct/Modify and its conditions by letter, a copy of which shall be forwarded to the Regional Administrator, SCAQMD, and the Cabazon Band of Mission Indians.

IV.M. Off Permit Changes

[40 CFR 71.6(a)(12)]

The Permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

1. Each change is not addressed or prohibited by this permit.
2. Each change must comply with all applicable requirements and may not violate any existing permit term or condition;
3. Changes under this provision may not include changes or activities subject to any requirement under Title IV or that are modifications under any provision of Title I of the Clean Air Act;
4. The Permittee must provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under 40 CFR 71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change.
5. The permit shield does not apply to changes made under this provision;
6. The Permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

IV.N. Permit Expiration and Renewal

[40 CFR sections 71.5(a)(1)(iii), 71.6(a)(11), 71.7(b), 71.7(c)(1)(i) and (ii), 71.8(d)]

1. This permit shall expire upon the earlier occurrence of the following events:

- a. five (5) years elapses from the date of issuance; or
 - b. the source is issued a part 70 permit by an EPA-approved permitting authority.
- 2. Expiration of this permit terminates the Permittee's right to operate unless a timely and complete permit renewal application has been submitted on or before a date 6 months, but not more than 18 months, prior to the date of expiration of this permit.
- 3. If the Permittee submits a timely and complete permit application for renewal, consistent with 40 CFR 71.5(a)(2), but the permitting authority has failed to issue or deny the renewal permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield granted pursuant to 40 CFR 71.6(f) may extend beyond the original permit term until renewal.
- 4. The Permittee's failure to have a Part 71 permit is not a violation of this part until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.
- 5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation, affected State, and tribal review.
- 6. The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

IV.O. Administrative Permit Amendments

[40 CFR 71.7(d)]

- 1. The Permittee may request the use of administrative permit amendment procedures for a permit revision that:
 - a. Corrects typographical errors.
 - b. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source.
 - c. Requires more frequent monitoring or reporting by the Permittee.
 - d. Allows for a change in ownership or operational control of a source where the EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new Permittee has been submitted to the EPA.

- e. Incorporates into the part 71 permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of 40 CFR 71.7 and 71.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in 40 CFR 71.6.
- f. Incorporates any other type of change which EPA has determined to be similar to those listed above in subparagraphs (a) through (e).

IV.P. Minor Permit Modifications

[40 CFR sections 71.7(e)(1),71.7(e)(1)(vi)]

1. The Permittee may request the use of minor permit modification procedures only for those modifications that:
 - a. Do not violate any applicable requirement.
 - b. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit.
 - c. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.
 - d. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
 - (1) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and
 - (2) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Clean Air Act:
 - (i) Are not modifications under any provision of title I of the Clean Air Act; and
 - (ii) Are not required to be processed as a significant modification.
2. Notwithstanding the list of changes eligible for minor permit modification procedures in paragraph (1) above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

3. An application requesting the use of minor permit modification procedures shall meet the requirements of 40 CFR 71.5(c) and shall include the following:
 - a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 - b. The source's suggested draft permit;
 - c. Certification by a responsible official, consistent with 40 CFR 71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
 - d. Completed forms for the permitting authority to use to notify affected States as required under 40 CFR 71.8.
4. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by 40 CFR 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.
5. The permit shield under 40 CFR 71.6(f) may not extend to minor permit modifications.

IV.Q. Group Processing of Minor Permit Modifications

[40 CFR sections 71.7(e)(2), 71.7(e)(1)(vi)].

1. Group processing of modifications by EPA may be used only for those permit modifications:
 - a. That meet the criteria for minor permit modification procedures under paragraphs IV.I. (a) of this permit; and
 - b. That collectively are below the threshold level of 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in 40 CFR 71.2, or 5 tons per year, whichever is least.
2. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of 40 CFR 71.5(c), and shall include the following:
 - a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.
 - b. The source's suggested draft permit.

- c. Certification by a responsible official, consistent with 40 CFR 71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.
 - d. A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subparagraph (a)(ii) above.
 - e. Completed forms for the permitting authority to use to notify affected States as required under 40 CFR 71.8.
3. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by 40 CFR 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.
 4. The permit shield under 40 CFR 71.6(f) may not extend to group processing of minor permit modifications.

IV.R. Significant Permit Modifications

[40 CFR sections 71.7(e)(3), 71.7(e)(3)(ii), 71.5(a)(2)]

1. The Permittee must request the use of significant permit modification procedures for those modifications that:
 - a. Do not qualify as minor permit modifications or as administrative amendments.
 - b. Are significant changes in existing monitoring permit terms or conditions.
 - c. Are relaxations of reporting or recordkeeping permit terms or conditions.
2. Nothing herein shall be construed to preclude the Permittee from making changes consistent with part 71 that would render existing permit compliance terms and conditions irrelevant.
3. Permittees must meet all requirements of part 71 for applications for significant permit modifications. For the application to be determined complete, the Permittee must supply all information that is required by 40 CFR 71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change.

IV.S. Operational Flexibility - 502(b)(10) Changes

[40 CFR 71.6(a)(13)(i)]

1. The Permittee is allowed to make a limited class of changes under Section 502(b)(10) of the Clean Air Act within this permitted facility that contravene the specific terms of this permit without applying for a permit revision, provided the changes do not exceed the emissions allowable under this permit (whether expressed therein as a rate of emissions or in terms of total emissions) and are not Title I modifications. This class of changes does not include:
 - a. Changes that would violate applicable requirements; or
 - b. Changes that would contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
2. The Permittee is required to send a notice to EPA at least 7 days in advance of any change made under this provision. The notice must describe the change, when it will occur and any change in emissions, and identify any permit terms or conditions made inapplicable as a result of the change. The Permittee shall attach each notice to its copy of this permit.
3. Any permit shield provided in this permit does not apply to changes made under this provision.

Attachment A

“Monitoring and Enforcement Agreement”

APPENDIX C – PSD Permit and Final Amendments (Clean and Redline)

Desert View Power PSD Permit NSR 4-4-11; SE 87-01
Complete Consolidated 09/30/2020

**Prevention of Significant Deterioration Permit Pursuant to 40 CFR 52.21 and
Minor New Source Review Permit in Indian Country Pursuant to 40 CFR
49.151 through 161**

PSD Permit: NSR-4-411 and SE 87-01

Permittee:

Desert View Power, LLC
62-300 Gene Welmas Drive
Mecca, CA 92254

Source:

Desert View Power Facility

Source Location:

62-300 Gene Welmas Drive
Mecca, CA 92254

Pursuant to the provisions of the Clean Air Act (CAA) in Subchapter I, part C, and section 110(a), and the Code of Federal Regulations (CFR) Title 40, Sections 52.21 and 49.151–161, the United States Environmental Protection Agency Region 9 (EPA) is issuing a Prevention of Significant Deterioration (PSD) permit and a Minor New Source Review (NSR) permit in Indian Country to Desert View Power, LLC (DVP or Permittee). This permit applies to the construction and operation of a 47 megawatt (MW) biomass boiler and a hydrated lime delivery system.

DVP is authorized to construct and operate the DVP facility as described herein, in accordance with the permit application (and plans submitted with the permit application), the federal PSD regulations at 40 CFR 52.21, the Minor NSR in Indian Country regulations at 40 CFR 49.151–161, and other terms and conditions set forth in this permit. Failure to comply with any condition or term set forth in this permit may result in enforcement action pursuant to section 113 of the CAA. This permit does not relieve DVP from the responsibility to comply with any other applicable provisions of the CAA (including applicable implementing regulations in 40 CFR parts 51, 52, 60, 61, 63, and 72 through 75), or other federal, tribal, and local requirements.

Per 40 CFR 124.15(b) and 40 CFR 49.159(a) this permit becomes effective 30 days after service of notice of this final permit decision unless review is requested on the permit pursuant to 40 CFR 124.19 or 40 CFR 49.159(d).

Elizabeth J. Adams
Director, Air and Radiation Division

Permit Conditions

I. Permit Expiration

This Approval to Construct/Modify shall become invalid (1) if construction is not commenced (as defined in 40 CFR 52.21(b)(8)) within 18 months after the approval takes effect, (2) if construction is discontinued for a period of 18 months or more, or (3) if construction is not completed within a reasonable time.

II. Notification of Commencement of Construction and Startup

The Regional Administrator shall be notified in writing of the anticipated date of initial start-up (as defined in 40 CFR 60.2) of each facility of the source not more than sixty (60) days nor less than thirty (30) days prior to such date and shall be notified in writing of the actual date of commencement of construction and start-up within fifteen (15) days after such date.

III. Facilities Operation

All equipment, facilities, and systems installed or used to achieve compliance with the terms and conditions of this Approval to Construct/Modify shall at all times be maintained in good working order and be operated as efficiently as possible so as to minimize air pollutant emissions.

IV. Malfunction

The Regional Administrator shall be notified by telephone within 48 hours following any failure of air pollution control equipment, process equipment, or of a process to operate in a normal manner which results in an increase in emissions above any allowable emissions limit stated in Section IX of these conditions. In addition, the Regional Administrator shall be notified in writing within fifteen (15) days of any such failure. This notification shall include a description of the malfunctioning equipment or abnormal operation, the date of the initial failure, the period of time over which emissions were increased due to the failure, the cause of the failure, the estimated resultant emissions in excess of those allowed under Section IX of these conditions, and the methods utilized to restore normal operations. Compliance with this malfunction notification provision shall not excuse or otherwise constitute a defense to any violations of this permit or of any law or regulations which such malfunction may cause.

V. Right to Entry

The Regional Administrator, the Superintendent of the Southern California Agency of the Bureau of Indian Affairs, and/or their authorized representatives, upon the

presentation of credentials, shall be permitted:

- A. to enter upon the premises where the source is located or in which any records are required to be kept under the terms and conditions of this Approval to Construct/Modify; and
- B. at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this Approval to Construct/Modify; and
- C. to inspect any equipment, operation, or method required in this Approval to Construct/Modify; and
- D. to sample emissions from the source.

VI. Transfer of Ownership

In the event of any changes in control or ownership of facilities to be constructed or modified, this Approval to Construct/Modify and all conditions contained herein shall be binding on all subsequent owners and operators. The Permittee shall notify the succeeding owner and operator of the existence of this Approval to Construct/Modify and its conditions by letter, a copy of which shall be forwarded to the Regional Administrator and the State and local Air Pollution Control Agency.

VII. Severability

The provisions of this Approval to Construct/Modify are severable, and, if any provision of this Approval to Construct/Modify is held invalid, the remainder of this Approval to Construct/Modify shall not be affected thereby.

VIII. Other Applicable Regulations

The owner and operator of the proposed project shall construct and operate the proposed stationary source in compliance with all other applicable provisions of 40 CFR Parts 52, 60 and 61 and all other applicable Federal, State and local air quality regulations.

IX. Special Conditions

A. Certification

The Permittee shall notify the EPA in writing of compliance with Special Conditions IX.B. and IX.J. and shall make such notification within fifteen (15) days of such compliance. This letter must be signed by a responsible representative of the Permittee.

B. Air Pollution Control Equipment

The Permittee shall install, continuously operate and maintain the following air pollution controls to minimize emissions. Controls listed shall be fully operational upon startup of the proposed equipment.

1. Each boiler will exhaust to a fabric baghouse, using PTFE or teflon-laminated bags, for the control of particulate emissions.
2. Each boiler shall be equipped with a limestone injection system for the control of SO₂ and acid gas emissions (H₂SO₄).
3. Each boiler shall be equipped with an ammonia injection system for the control of NO_x emissions.
4. The baled fuel cyclone shall be equipped with a fabric filter for control of particulate emissions.
5. The onsite fuel hog shall be wind enclosed for the control of particulate emissions.
6. The ash handling system shall be completely enclosed, and the ash storage silo equipped with a fabric filter, for the control of particulate emissions.
(revised October 4, 1995)
7. The cooling towers shall have drift controls installed to limit drift losses to 0.001 percent of the circulating water mass for the control of particulate emissions.
8. The Permittee shall install an enclosed petroleum coke storage facility; no open storage of petroleum coke shall be allowed. (revised October 4, 1995)

C. Performance Tests

1. Within 60 days of achieving the maximum production rate of the proposed equipment but not later than 180 days after initial startup of the equipment as defined in 40 CFR 60.2, and at such other times as specified by the EPA, the Permittee shall conduct performance tests for NO_x, SO₂, PM₁₀ and CO and furnish the EPA (Attn: Air Section, ENF-2-1) a written report of the results of such tests. The tests for NO_x, SO₂, PM₁₀ and CO shall be conducted on an annual basis and at the maximum operating capacity of the facilities being tested. Upon written request (Attn: Air Section, ENF-2-1) from the Permittee, EPA may approve the conducting of performance tests at a lower specified production rate. After initial performance tests and upon written request and adequate justification from the Permittee, EPA may waive a specified annual test for the biomass-fired facility.
2. Performance tests for the emissions of SO₂, PM₁₀, NO_x, and CO shall be conducted and the results reported in accordance with the test methods set forth in 40 CFR 60, Part 60.8 and Appendix A. The following test methods

shall be used:

- a. Performance tests for the emissions of SO₂ shall be conducted using EPA Methods 1-4 and 8.
- b. Performance tests for the emissions of PM₁₀ shall be conducted using EPA Methods 1-4 and 5.
- c. Performance tests for the emissions of CO shall be conducted using EPA Methods 1-4 and 10.
- d. Performance tests for the emissions of NO_x shall be conducted using EPA Methods 1-4 and 7.

The EPA (Attn: Air Section, ENF-2-1) shall be notified in writing at least 30 days prior to such tests to allow time for the development of an approvable performance test plan and to arrange for an observer to be present at the test.

Such prior approval shall minimize the possibility of EPA rejection of test results for procedural deficiencies. In lieu of the above-mentioned test methods, equivalent methods may be used with prior written approval from the EPA.

3. For performance test purposes, sampling ports, platforms and access shall be provided by the Permittee on the boiler exhaust systems in accordance with 40 CFR 60.8(e).
4. Concurrent with the above described performance tests, measurements shall be made of emissions of polycyclic aromatic hydrocarbons (including benzo(a)pyrene), dioxins and furans, and metals. Such measurements shall be in accordance with methods established by the California Air Resources Board.

D. Operating Limitations and Work Practice Standards (*September 30, 2020*
Revisions: Section D.4 deleted, Section D.6 amended)

1. Only natural gas, propane, or other such gas may be fired by the auxiliary burners.
2. Treated wood or wood wastes, coal or coal byproducts and municipal solid waste other than woodwaste, railroad ties, tire-derived fuel (TDF), and corrugated paper waste, shall not be used as a fuel by this facility. (*revised Aug. 14, 2003*)
3. Periodic fuel sampling shall be done to ensure compliance of fuel with permit conditions.
4. The Permittee shall record and maintain daily records of the amounts and

types of biomass fuel fired each calendar quarter, the amount of natural gas fired each calendar quarter, the amount of petroleum coke fired each calendar quarter, the amount of railroad ties fired each calendar quarter, the amount of TDF fired each calendar quarter, the amount of corrugated paper waste fired each calendar quarter, and the plant hours of operation. All information shall be recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, calculation and record. *(revised October 4, 1995) (revised Aug. 14, 2003)*

5. When wind speeds exceed 12 mph, the Permittee shall control particulate emissions from the fuel storage pile and from the ash storage pile through the use of regular watering. *(revised October 4, 1995)*
6. Operation of the emergency generator and fire pump shall not exceed 200 hours per calendar year each nor use more than 22 gallons of diesel per hour per unit. *(added May 20, 1994) (revised September 30, 2020)*
7. The Permittee shall comply at all times with the requirements of South Coast Air Quality Management District Rule 403 - Fugitive Dust - as required by the Monitoring & Enforcement Agreement to which the Permittee is a signatory. In addition, the Permittee shall comply with the following measures in order to minimize fugitive emissions from the ash storage pile: *(added October 4, 1995)*
 - a. The total amount of ash stored at any one time shall not exceed 13,500 tons. *(added October 4, 1995)*
 - b. Prior to transfer from the silo to the storage area, ash shall be conditioned with water to prevent dust generation during filling of the transfer truck, movement to the storage area, and placement in storage. *(added October 4, 1995)*
 - c. The ash storage pile shall not exceed 15 feet in height. *(added October 4, 1995)*
 - d. During reclamation from storage for transport, offsite or otherwise, any disturbed ash shall be sprayed with water to prevent dust generation. *(added October 4, 1995)*
 - e. Prior to movement offsite, transfer trucks shall be water washed, if necessary to remove loose ash. Exposed ash on any ash transfer truck shall be either wetted or fully covered with a tarp to prevent dust generation during transport. *(added October 4, 1995)*
8. Within six (6) months of operating with combined fuels, the Permittee shall retest emissions of toxic pollutants while burning the combined fuels. If emissions exceed acceptable levels, the Permittee shall adjust its operations to comply with acceptable health risk thresholds as defined in rules adopted by

the South Coast Air Quality Management District (SCAQMD) prior to August 1, 1995. The Permittee shall submit a quarterly composition analysis of its petroleum coke supply to the Cabazon Band, EPA and SCAQMD. The Permittee shall retest emissions each time EPA in consultation with SCAQMD determines that its fuel composition may cause health risks to exceed the acceptable thresholds. All retest results shall also be submitted to the Cabazon Band, EPA and SCAQMD. *(added October 4, 1995)*

9. The Permittee shall utilize quarterly a minimum of fifty percent (50%) biomass materials (by weight) as feedstock in its solids fuel supply for the Facility. To determine compliance with the minimum annual feedstock requirement, the Permittee shall submit to the Cabazon Band and Riverside County accurate records on a calendar quarter basis. In any event, the Permittee shall utilize fuel mix rates which allow the plant to continually meet all EPA and SCAQMD emission standards applicable to the Permittee pursuant to the Monitoring and Enforcement Agreement. *(added October 4, 1995)*
10. The Permittee shall utilize in any two consecutive calendar-year periods a minimum annual average of 60,000 bone-dry tons of a combination of agricultural crop residue waste and woody waste generated from sources in Riverside County located within the Coachella Valley. To determine compliance with the minimum annual average tonnage requirement, the Permittee shall submit to Riverside County and the Cabazon Band accurate records on a calendar quarter basis. *(added October 4, 1995)*

In the event the Permittee documents and Riverside County verifies that the biomass fuel supply in the Coachella Valley is unavailable, does not meet the Permittee's quality requirements, or is priced non-competitively with respect to other available biomass sources, the Permittee may satisfy the bone-dry tonnage requirement by utilizing biomass tonnage documented by it to have been generated within other areas of Riverside County. *(added October 4, 1995)*

11. The Permittee shall not utilize on an hourly basis more than twenty percent (20%) each railroad ties, TDF, and corrugated paper waste calculated on an energy basis. In addition, the Permittee shall not utilize on an annual basis more than 15% each railroad ties, TDF, and corrugated paper waste calculated on an energy basis. *(added Aug. 14, 2003)*

E. Emission Limits for SO₂

On and after the date of startup, the Permittee shall not discharge or cause the discharge into the atmosphere SO₂ in excess of the more stringent of 12.0 lbs/hr per boiler or 27 ppm, dry, corrected to 3% O₂ (3-hour average). In addition, the Permittee shall not discharge or cause the discharge into the atmosphere SO₂ in excess of a rolling average of 70 tons/year calculated daily. *(added October 4,*

1995) (revised May 6, 1998)

EPA may set a new lower allowable emission rate for the above emission limits after reviewing the performance test results or the initial SO₂ monitoring data required under Special Conditions C and J.

Upon completion of the performance test required under Special Condition IX.C., the Permittee may request that the above emissions limitations be reduced to more closely reflect actual boiler performance. In such event, the new lower limitations shall form the basis of the emission offset requirements contained in Special Condition IX.L.6.

If the SO₂ emission limit is revised, the difference between the SO₂ emission limit set forth above and a revised lower SO₂ emission limit shall not be allowed as an emission offset for future construction or modification.

F. Emission Limits for PM₁₀

On the date of Startup, and thereafter, the Permittee shall not discharge or cause the discharge of PM₁₀ in excess of the more stringent of 0.006 gr/dscf at 12% CO₂ or 3.9 lbs/hr per boiler (3-hour average). *(revised Aug. 14, 2003) (revised September 30, 2020)*

On the date of startup, and thereafter, the Permittee shall not discharge or cause the discharge into the atmosphere from the boiler exhaust stack gases which exhibit an opacity of 10 percent or greater for any period or periods aggregating more than three minutes in any one hour.

(paragraph regarding initial performance testing deleted Aug. 14, 2003)

G. Emission Limits for CO

On the date of startup and thereafter, the Permittee shall not discharge or cause the discharge of CO in excess of the more stringent of 13.0 lbs/hr per boiler or 231 ppm, dry, corrected to 3% O₂ (3-hour average). *(revised May 6, 1998) (revised Aug. 20, 2003)*

(paragraph regarding initial performance testing deleted Aug. 14, 2003)

H. Emission Limits for NO_x

On the date of startup, and thereafter, the Permittee shall not discharge or cause the discharge into the atmosphere NO_x in excess of the more stringent of 30.0 lbs/hr per boiler or 94 ppm, dry, corrected to 3% O₂ (3-hour average). In addition, the Permittee shall not discharge or cause the discharge of NO_x in excess of 648 lbs/day per boiler for any calendar day. *(revised October 1, 1997) (revised May 6,*

1998) (revised September 30, 2020)

Subsequent to initial full-scale operation, the Permittee shall conduct an optimization study of the ammonia injection system. The study shall consist of varying the ammonia injection rate to determine the optimal NO_x removal efficiency over an acceptable ammonia slip range of values. Upon completion of the study the EPA may set a new NO_x emission rate and/or a new ammonia injection rate.

Upon completion of the performance test required under Special Condition IX.C., the Permittee may request that the above emissions limitations be reduced to more closely reflect actual boiler performance. In such event, the new lower limitations shall form the basis of the emission offset requirements contained in Special Condition IX.L.6.

I. Emission Limit for Hydrocarbons

On the date of startup and thereafter, the Permittee shall not discharge or cause the discharge of hydrocarbons in excess of 5.9 lbs/hr per boiler (3-hour average).

(paragraph regarding initial performance testing deleted Aug. 14, 2003)

J. Continuous Emission Monitoring

1. Prior to the date of startup and thereafter, the Permittee shall install, maintain and operate the following continuous monitoring systems in the boiler exhaust stack:
 - a. Continuous monitoring systems to measure stack gas SO₂, CO and NO_x concentrations. The system shall meet EPA monitoring performance specifications (40 CFR 60.13 and 40 CFR 60, Appendix B, Performance Specifications 2, 3 and 4).
 - b. A continuous monitoring system to measure stack gas volumetric flow rates. The system shall meet EPA performance specifications (40 CFR Part 52, Appendix E).
 - c. A transmissometer system for continuous measurement of the stack gas opacity. The system shall meet EPA monitoring performance specifications (40 CFR Part 60.13 and 40 CFR Part 60, Appendix B, Performance Specification 1).
2. The Permittee shall maintain a file of all measurements, including continuous monitoring systems evaluations; all continuous monitoring systems or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; performance and all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection.

The file shall be retained for at least two years following the date of such measurements, maintenance, reports and records.

3. The Permittee shall notify EPA (Attn: AIR & TRI, ENF-2-1) of the date which demonstration of the continuous monitoring system performance commences (40 CFR 60.13(c)). This date shall be no later than 60 days after startup.
4. The Permittee shall submit a written report of all excess emissions to EPA (Attn: AIR & TRI, ENF-2-1) for every calendar quarter. The report shall include the following:
 - a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factors used, and the date and time of commencement and completion of each time period of excess emissions.
 - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the furnace/boiler system. The nature and cause of any malfunction (if known) and the corrective action taken or preventive measures adopted shall also be reported.
 - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks, and the nature of the system repairs or adjustments.
 - d. When no excess emissions have occurred or the continuous monitoring system has not been inoperative, repaired, or adjusted, such information shall be stated in the report.
 - e. Excess emissions shall be defined as any 3-hour period during which the average emissions of SO₂, NO_x, or CO, as measured by the CEM, exceeds the maximum 3-hour emission limits set forth in Conditions IX.E, IX.G, and IX.H above and any calendar day during which the average emissions of NO_x, as measured by the CEM, exceeds the maximum daily emission limit set forth in IX.H above. Excess emissions shall also be defined as any period or periods aggregating more than three minutes in any one hour during which the stack gas opacity as measured by the CEM exceeds the limit set forth in Condition IX.F. above. *(revised October 1, 1997)*
5. Excess emissions indicated by the CEM system shall be considered violations of the applicable emission limit for the purposes of this permit.
6. Not less than 90 days prior to the date of startup of the facility, the Permittee shall submit to the EPA (Attn: A-3-Air Section, ENF-2-1) a quality assurance project plan for the certification and operation of the continuous emission monitors. Such a plan shall conform to the EPA document "Guidelines for Developing a Quality Assurance Project Plan" (QAMS 005/80). Continuous emission monitoring may not begin until the QA project plan has been approved by EPA Region 9.

K. New Source Performance Standards

The Source is subject to the Standards of Performance for New Stationary Sources (NSPS) 40 CFR 60, Subparts A and Db, including all emissions limits and all notification, testing, monitoring, and reporting requirements. *(revised September 30, 2020)*

L. Emission Mitigation Conditions *(revised April 22, 1991)*

1. As used in this condition, "Monitoring and Enforcement Agreement" shall mean that certain agreement executed by Colmac Energy, Inc. on May 10, 1989, executed thereafter by the South Coast Air Quality Management District (SCAQMD), the Cabazon Band of Mission Indians, the County of Riverside, and the Coachella Valley Association of Governments, and consented to by the Department of Interior, Bureau of Indian Affairs and by the Environmental Protection Agency. A copy of the agreement shall be retained and made available for public review at the Region 9 office of EPA, San Francisco, California and at the SCAQMD office in Diamond Bar, California.
2. (a) Measures to mitigate emissions from the facility shall be provided by the payments required by paragraph 13 of the Monitoring and Enforcement Agreement. These payments shall be in lieu of all air emissions offsets for the permitted emissions for the project subject to the conditions set forth in subparagraph (b).

(b) In the event that the permitted emissions for the facility, as allowed by this permit or any amendment thereto, are greater than one-half the offset credit amounts listed in this subparagraph as Available Open Field Burning Offset Credits, which amounts have been accepted as previously available to the facility, then the facility must provide additional offsets for each day the plant operates to mitigate facility emissions to the extent that a daily permitted emission exceeds the daily Available Open Field Burning Offset Credit amount.

Available Open Field Burning Offset Credits

<u>Pollutants</u>	<u>lb/day</u>
NO _x	2,134
SO ₂	2,192
CO	48,312
HC	3,690
PM	2,790

In the event that the number of operating days exceeds 330 in any 365-day period, then the daily offset credits listed above shall be reduced by the ratio of 330 divided by the actual number of operating days in that period.

- (c) Offsets required pursuant to subparagraph (b) above may be provided by open field burning credits from within the Southeast Desert Air Basin as defined on June 10, 1987 and in accordance with the ARB/CAPCOA recommended procedure, dated June 21, 1984 [A Procedure to Implement the Provisions of Health and Safety Code Section 41605 Relating to the Determination of Agricultural/Forestry Emission Offset Credits ("the ARB/CAPCOA recommended procedure")]. The emission offset credit shall be calculated using the ARB/CAPCOA recommended procedure. Alternatively, any offsets required pursuant to subparagraph (b) may be provided in accordance with the regulations of the SCAQMD or by any combination of Open Field Burning Offset Credits and other SCAQMD complying offsets.
3. Pursuant to paragraph 14 of the Monitoring and Enforcement Agreement, the Permittee agrees to use its best efforts to acquire agricultural waste through agreements negotiated with farmers or other suppliers in the Coachella Valley, and with the assistance of the county by directly encouraging farmers to provide such wastes, which wastes would otherwise have been burned in the open field in the Coachella Valley but could, consistent with sound agricultural practices, be obtained by the Permittee and burned in the Permittee's facility as fuel.
 4. The Permittee shall require and maintain fuel receipts, bills of lading or transportation manifests, and scale records for acquisition and transportation of fuel acquired from within the Coachella Valley which would otherwise be burned in the open field. Record-keeping shall include daily records of weight, type, and geographic location of origin of fuel received for combustion at the Permittee's facility and the number of operating days in the previous 365-day period.
 5. Each year, on the anniversary of the date of initial combustion of biomass fuel at the facility, the Permittee shall submit the records maintained in accordance with this condition to EPA and to the SCAQMD at the addresses listed in Condition X.
 6. All of the above information shall be recorded by the Permittee in a permanent form suitable for inspection, and the file shall be retained for at least two years following the date of such measurements, calculation, and record.
 7. After the end of the ten year period commencing with the initial start up of the Permittee's facility on biomass fuel ("the ten year period") the Permittee shall continue to fully offset emissions from the plant in accordance with the options provided for in paragraph 16 of the Monitoring and Enforcement Agreement. The following procedures shall apply:
 - (a) In the event that the Permittee elects to continue the payments as provided

in paragraph 13 of the Monitoring and Enforcement Agreement, then the provisions of this condition IX.L shall remain in effect. Such election by the Permittee shall be made prior to the end of the ten year period in writing delivered by certified mail to EPA, Region 9, Air and Toxics Division, with copies to the SCAQMD and the County of Riverside.

(b) Alternatively, in the event that the Permittee has not made the election provided for in subparagraph (a) above and EPA has not approved an amendment to the permit prior to the end of the ten year period, which amendment provides for an alternative means of offsetting plant emissions in conformance with paragraph 16 of the Monitoring and Enforcement Agreement, then paragraph IX.L of the permit as originally issued June 28, 1988 and attached hereto as Appendix I, shall be reinstated without further action by EPA.

(c) The SCAQMD and the County of Riverside shall be given notice by EPA of any proposed amendment to this permit.

M. Exemption from emission concentration limits (ppm), but not mass limits (lb/hr) during start-up and shut-down conditions: *(added May 6, 1998)*

The concentration limits (ppm) in Special Conditions IX.E, IX.G, and IX.H do not apply during conditions of start-up and shut-down of the plant boilers. Start-up is defined as the period of time during which the boiler is heated to operating temperature at a steady state load from a lower temperature, not to exceed 36 hours. If curing of refractory is required after repair or modifications, start-up time shall not exceed 60 hours. Operating temperature indicating steady state load shall be indicated by the temperature at the outlet of the recycle cyclone reaching 1550 degrees Fahrenheit for a period of at least 5 minutes. Shutdown is defined as the period of time, not to exceed 8 hours, during which the boiler is allowed to cool from its operating temperature at steady-state load to a lower temperature.

N. Temporary Alternate Fuel Testing Operations *(added September 15, 2000)*

The Permittee may conduct a temporary fuel testing program for the purpose of evaluating the combustion of alternate fuels in the fluidized bed boiler subject to the following conditions:

1. The alternate fuel testing program shall not operate longer than 120 days from the date of initial startup.
2. The Permittee shall comply with all emission limits specified in Special Conditions E, F, G, H and I.
3. The fuel use limits in Special Condition IX.D. shall not apply during the fuel testing program.

X. Agency Notifications

All correspondence as required by this approval to Construct/Modify shall be forwarded to:

A. U.S. Environmental Protection Agency, Region 9

Enforcement and Compliance Assurance Division
Attn: Air Section, ENF-2-1
75 Hawthorne Street

San Francisco, CA 94105

B. Chief, Industrial Strategies Division California Air Resources Board

P.O. Box 2815 Sacramento, CA 95814

C. Executive Officer, South Coast Air Quality Management District

21865 E. Copley Drive
Diamond Bar, CA 91765

XI. Additional requirements for Hydrated Lime Delivery System Pursuant to 40 CFR 49.153(a)(2) – Minor NSR in Indian Country *(added May 22, 2015) (revised September 30, 2020)*

Emission Unit	Description
EU-11	Hydrated Lime Storage Silo (with fabric filter)
EU-13	Hydrated Lime Truck Traffic

A. Emissions Limitations and Work Practice Standards

1. Vehicle miles traveled (VMT) for truck traffic associated with deliveries of hydrated lime – EU-13 – to the permitted source shall not exceed 280 miles per 12-month period.
2. Annual delivery and usage of hydrated lime shall not exceed 2365 tons per 12-month period.

B. Monitoring and Testing Requirements

1. The Permittee shall monitor on a monthly basis each delivery of hydrated lime (in tons) and the VMT for each delivery.

2. At least once per calendar month, the permittee shall inspect the interior and exterior of the fabric filters of EU-11 for evidence of damage or leaks, and take appropriate corrective actions to restore filters to proper operation before resuming normal operations.

C. Recordkeeping and Reporting Requirements

1. The Permittee shall maintain records on a monthly basis of each delivery related to hydrated lime, including the tons of hydrated lime delivered and VMT for each delivery, and determine the 12-month rolling total for each.
2. The permittee shall maintain records of the dates and results of each filter inspection performed pursuant to condition XI.B.2 and any corrective actions taken as a result of the required inspections shall be recorded.

PSD Permit Amendments

1. April 22, 1991: Emission offset requirements were revised and a “Monitoring and Enforcement Agreement” was added by reference.
2. May 20, 1994: The permit was revised to allow for the construction and operation of an emergency generator.
3. October 4, 1995: The permit was revised to allow for the use of petroleum coke as well as the addition of conditions that instructs the permittee to comply with the SCAQMD fugitive dust provisions.
4. October 1, 1997: Revisions were made to permit NO_x emissions on a daily basis at 648 lbs/day per boiler, as well as retaining the 3-hour limit of 30 lbs/hr per boiler.
5. May 6, 1998: The permit was revised to replace the 12% CO₂ correction with a 3% O₂ correction for the pollutants SO₂, CO, and NO_x.
6. September 15, 2000: The permit was revised on September 15, 2000 to allow for a Temporary Alternate Fuel Testing Operation.
7. August 14, 2003: Revisions were made to allow the combustion of three additional fuels, lowered the limits for CO, hydrocarbons and PM (also changed from an old TSP limit to a PM₁₀ limit), and imposed a 10% stack gas opacity.
8. May 22, 2015: An administrative amendment pursuant to 40 CFR 49.159(f) was done to add a dry sorbent injection system for the control of hydrochloric acid. This amendment added condition XI to the PSD permit.
9. September 30, 2020: The PSD permit was administratively revised to consolidate all previous amendments to the permit, such that all PSD and Tribal Minor NSR conditions are in a single permit document. Other administrative changes include revising conditions for accuracy and clarity.

APPENDIX I

PARAGRAPH IX.L OF ORIGINAL PERMIT

JUNE 28, 1988

Appendix I

L. Emission Offset Conditions

1. Colmac Energy, Inc. shall provide offsets for all emissions from the facility.
2. Proper evaluation, calculation, and recordkeeping of the emission credits is the responsibility of Colmac.
3. Colmac shall submit to the BIA and EPA (Attn: A-3-3), upon request, written agreements between Colmac and the supplier of the agricultural/forest wastes, which specify type and quantity of wastes supplied.
4. Colmac shall require and maintain fuel receipts, scale records, and bills of lading for transportation of all forest/agricultural wastes for which offset credit is claimed.
5. The BIA and EPA may inspect fuel receipts and other information necessary to verify that fuel burned at the facility is of adequate quantity and quality to ensure that any credits issued under this condition are in fact being achieved.
6. Onsite emissions from the Colmac plant including maximum permitted facility stack emissions as specified in Conditions IX.E, IX.F, IX.G, IX.H, and IX.I shall be offset in accordance with the ARB/CAPCOA procedure for calculating offsets. The emission offset credit shall be calculated using the ARB/CAPCOA recommended procedure, dated June 21, 1984 ("A Procedure to Implement the Provisions of Health and Safety Code Section 41605.5 Relating to the Determination of Agricultural/Forestry Emission Offset Credits").
7. The emission factors to be used in quantifying the credits granted pursuant to this condition are:

LBS OF POLLUTANT/TON OF FUEL BURNED

Pollutant	Field Crop			
	Orchard	Straws	Vine Crops	Residue
NO _x	4	4.3	4	4
VOC	8	13.0	5	19
PM	6	22.0	5	17
CO	52	130.0	51	140
SO ₂	0.6	2.8	0.6	0.1

8. The applicant shall maintain records of fuel acquired and the mass of fuel burned on a daily basis, including records of fuel blend ratios. In addition, daily records are required of mass, type, and geographic origin of the biomass received, accompanied by certification by the fuel supplier and the owner or operator that any offset-creditable biomass historically has been burned openly in the air basin.
9. Emission credits (offsets) shall be provided for the project's emissions in accordance with the ARB/CAPCOA protocol.
10. Any time during which the project's permitted combustion emissions exceed the emissions offset credits as specified in the permit because of a change in the quality or quantity of the wastes supplied, the project owner or operator shall notify the BIA and EPA (Attn: A-3-3) and curtail operations proportionately. Failure to comply with this provision shall be grounds for enforcement actions and revocation of the lease by BIA.
11. All of the above information shall be recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, calculation and record.
12. Each calendar quarter Colmac Energy, Inc. shall submit all of the above information for the last calendar quarter to EPA (Attn: A-3-3).

M. Offsets During Startup

Colmac shall provide offsets, as required by Condition IX.L.6, during plant startup for any day during startup (startup is the period after initial firing of the boiler or boilers until the plant has operated at 100-percent power for a period of at least 72 hours, and the performance (source) tests for emission measurement have been completed) in which boiler operation takes place. Offsets shall be provided based on the permitted emission rates specified in subsections IX.E, F, G, H, and I above, and the BTU's in the fuel combusted that day.

Desert View Power PSD Permit NSR 4-4-11; SE 87-01

Complete Consolidated —~~07/06/2020~~09/30/2020

**Prevention of Significant Deterioration Permit Pursuant to 40 CFR 52.21 and
Minor New Source Review Permit in Indian Country Pursuant to 40 CFR
49.151 through 161**

PSD Permit: NSR-4-411 and SE 87-01

Permittee:

Desert View Power, LLC
62-300 Gene Welmas Drive
Mecca, CA 92254

Source:

Desert View Power Facility

Source Location:

62-300 Gene Welmas Drive
Mecca, CA 92254

Pursuant to the provisions of the Clean Air Act (CAA) in Subchapter I, part C, and section 110(a), and the Code of Federal Regulations (CFR) Title 40, Sections 52.21 and 49.151–161, the United States Environmental Protection Agency Region 9 (EPA) is issuing a Prevention of Significant Deterioration (PSD) permit and a Minor New Source Review (NSR) permit in Indian Country to Desert View Power, LLC (DVP or Permittee). This permit applies to the construction and operation of a 47 megawatt (MW) biomass boiler and a hydrated lime delivery system.

DVP is authorized to construct and operate the DVP facility as described herein, in accordance with the permit application (and plans submitted with the permit application), the federal PSD regulations at 40 CFR 52.21, the Minor NSR in Indian Country regulations at 40 CFR 49.151–161, and other terms and conditions set forth in this permit. Failure to comply with any condition or term set forth in this permit may result in enforcement action pursuant to section 113 of the CAA. This permit does not relieve DVP from the responsibility to comply with any other applicable provisions of the CAA (including applicable implementing regulations in 40 CFR parts 51, 52, 60, 61, 63, and 72 through 75), or other federal, tribal, and local requirements.

Per 40 CFR 124.15(b) and 40 CFR 49.159(a) this permit becomes effective 30 days after service of notice of this final permit decision unless review is requested on the permit pursuant to 40 CFR 124.19 or 40 CFR 49.159(d).

DRAFT

Elizabeth J. Adams
Director, Air and Radiation Division

Permit Conditions

I. Permit Expiration

This Approval to Construct/Modify shall become invalid (1) if construction is not commenced (as defined in 40 CFR 52.21(b)(8)) within 18 months after the approval takes effect, (2) if construction is discontinued for a period of 18 months or more, or (3) if construction is not completed within a reasonable time.

II. Notification of Commencement of Construction and Startup

The Regional Administrator shall be notified in writing of the anticipated date of initial start-up (as defined in 40 CFR 60.2) of each facility of the source not more than sixty (60) days nor less than thirty (30) days prior to such date and shall be notified in writing of the actual date of commencement of construction and start-up within fifteen (15) days after such date.

III. Facilities Operation

All equipment, facilities, and systems installed or used to achieve compliance with the terms and conditions of this Approval to Construct/Modify shall at all times be maintained in good working order and be operated as efficiently as possible so as to minimize air pollutant emissions.

IV. Malfunction

The Regional Administrator shall be notified by telephone within 48 hours following any failure of air pollution control equipment, process equipment, or of a process to operate in a normal manner which results in an increase in emissions above any allowable emissions limit stated in Section IX of these conditions. In addition, the Regional Administrator shall be notified in writing within fifteen (15) days of any such failure. This notification shall include a description of the malfunctioning equipment or abnormal operation, the date of the initial failure, the period of time over which emissions were increased due to the failure, the cause of the failure, the estimated resultant emissions in excess of those allowed under Section IX of these conditions, and the methods utilized to restore normal operations. Compliance with this malfunction notification provision shall not excuse or otherwise constitute a defense to any violations of this permit or of any law or regulations which such malfunction may cause.

V. Right to Entry

The Regional Administrator, the Superintendent of the Southern California Agency of the Bureau of Indian Affairs, and/or their authorized representatives, upon the presentation of credentials, shall be permitted:

- A. to enter upon the premises where the source is located or in which any records are required to be kept under the terms and conditions of this Approval to Construct/Modify; and
- B. at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this Approval to Construct/Modify; and
- C. to inspect any equipment, operation, or method required in this Approval to Construct/Modify; and
- D. to sample emissions from the source.

VI. Transfer of Ownership

In the event of any changes in control or ownership of facilities to be constructed or modified, this Approval to Construct/Modify and all conditions contained herein shall be binding on all subsequent owners and operators. The Permittee shall notify the succeeding owner and operator of the existence of this Approval to Construct/Modify and its conditions by letter, a copy of which shall be forwarded to the Regional Administrator and the State and local Air Pollution Control Agency.

VII. Severability

The provisions of this Approval to Construct/Modify are severable, and, if any provision of this Approval to Construct/Modify is held invalid, the remainder of this Approval to Construct/Modify shall not be affected thereby.

VIII. Other Applicable Regulations

The owner and operator of the proposed project shall construct and operate the proposed stationary source in compliance with all other applicable provisions of 40 CFR Parts 52, 60 and 61 and all other applicable Federal, State and local air quality regulations.

IX. Special Conditions

A. Certification

The Permittee shall notify the EPA in writing of compliance with Special Conditions IX.B. and IX.J. and shall make such notification within fifteen (15) days of such compliance. This letter must be signed by a responsible representative of the Permittee.

B. Air Pollution Control Equipment

The Permittee shall install, continuously operate and maintain the following air

pollution controls to minimize emissions. Controls listed shall be fully operational upon startup of the proposed equipment.

1. Each boiler will exhaust to a fabric baghouse, using PTFE or teflon-laminated bags, for the control of particulate emissions.
2. Each boiler shall be equipped with a limestone injection system for the control of SO₂ and acid gas emissions (H₂SO₄).
3. Each boiler shall be equipped with an ammonia injection system for the control of NO_x emissions.
4. The baled fuel cyclone shall be equipped with a fabric filter for control of particulate emissions.
5. The onsite fuel hog shall be wind enclosed for the control of particulate emissions.
6. The ash handling system shall be completely enclosed, and the ash storage silo equipped with a fabric filter, for the control of particulate emissions.
(revised October 4, 1995)
7. The cooling towers shall have drift controls installed to limit drift losses to 0.001 percent of the circulating water mass for the control of particulate emissions.
8. The Permittee shall install an enclosed petroleum coke storage facility; no open storage of petroleum coke shall be allowed. *(revised October 4, 1995)*

C. Performance Tests

1. Within 60 days of achieving the maximum production rate of the proposed equipment but not later than 180 days after initial startup of the equipment as defined in 40 CFR 60.2, and at such other times as specified by the EPA, the Permittee shall conduct performance tests for NO_x, SO₂, PM₁₀ and CO and furnish the EPA (Attn: Air Section, ENF-2-1) a written report of the results of such tests. The tests for NO_x, SO₂, PM₁₀ and CO shall be conducted on an annual basis and at the maximum operating capacity of the facilities being tested. Upon written request (Attn: Air Section, ENF-2-1) from the Permittee, EPA may approve the conducting of performance tests at a lower specified production rate. After initial performance tests and upon written request and adequate justification from the Permittee, EPA may waive a specified annual test for the biomass-fired facility.
2. Performance tests for the emissions of SO₂, PM₁₀, NO_x, and CO shall be conducted and the results reported in accordance with the test methods set forth in 40 CFR 60, Part 60.8 and Appendix A. The following test methods shall be used:

- a. Performance tests for the emissions of SO₂ shall be conducted using EPA Methods 1-4 and 8.
- b. Performance tests for the emissions of PM₁₀ shall be conducted using EPA Methods 1-4 and 5.
- c. Performance tests for the emissions of CO shall be conducted using EPA Methods 1-4 and 10.
- d. Performance tests for the emissions of NO_x shall be conducted using EPA Methods 1-4 and 7.

The EPA (Attn: Air Section, ENF-2-1) shall be notified in writing at least 30 days prior to such tests to allow time for the development of an approvable performance test plan and to arrange for an observer to be present at the test.

Such prior approval shall minimize the possibility of EPA rejection of test results for procedural deficiencies. In lieu of the above-mentioned test methods, equivalent methods may be used with prior written approval from the EPA.

3. For performance test purposes, sampling ports, platforms and access shall be provided by the Permittee on the boiler exhaust systems in accordance with 40 CFR 60.8(e).
4. Concurrent with the above described performance tests, measurements shall be made of emissions of polycyclic aromatic hydrocarbons (including benzo(a)pyrene), dioxins and furans, and metals. Such measurements shall be in accordance with methods established by the California Air Resources Board.

D. Operating Limitations and Work Practice Standards (~~May~~September 30, 2020
Revisions: Section D.4 deleted, Section D.6 amended)

1. Only natural gas, propane, or other such gas may be fired by the auxiliary burners.
2. Treated wood or wood wastes, coal or coal byproducts and municipal solid waste other than woodwaste, railroad ties, tire-derived fuel (TDF), and corrugated paper waste, shall not be used as a fuel by this facility. (*revised Aug. 14, 2003*)
3. Periodic fuel sampling shall be done to ensure compliance of fuel with permit conditions.
4. The Permittee shall record and maintain daily records of the amounts and types of biomass fuel fired each calendar quarter, the amount of natural gas fired each calendar quarter, the amount of petroleum coke fired each calendar

quarter, the amount of railroad ties fired each calendar quarter, the amount of TDF fired each calendar quarter, the amount of corrugated paper waste fired each calendar quarter, and the plant hours of operation. All information shall be recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, calculation and record. *(revised October 4, 1995) (revised Aug. 14, 2003)*

5. When wind speeds exceed 12 mph, the Permittee shall control particulate emissions from the fuel storage pile and from the ash storage pile through the use of regular watering. *(revised October 4, 1995)*
6. Operation of the emergency generator and fire pump shall not exceed 200 hours per calendar year each nor use more than 22 gallons of diesel per hour per unit. *(added May 20, 1994) (revised ~~May~~September 30, 2020)*
7. The Permittee shall comply at all times with the requirements of South Coast Air Quality Management District Rule 403 - Fugitive Dust - as required by the Monitoring & Enforcement Agreement to which the Permittee is a signatory. In addition, the Permittee shall comply with the following measures in order to minimize fugitive emissions from the ash storage pile: *(added October 4, 1995)*
 - a. The total amount of ash stored at any one time shall not exceed 13,500 tons. *(added October 4, 1995)*
 - b. Prior to transfer from the silo to the storage area, ash shall be conditioned with water to prevent dust generation during filling of the transfer truck, movement to the storage area, and placement in storage. *(added October 4, 1995)*
 - c. The ash storage pile shall not exceed 15 feet in height. *(added October 4, 1995)*
 - d. During reclamation from storage for transport, offsite or otherwise, any disturbed ash shall be sprayed with water to prevent dust generation. *(added October 4, 1995)*
 - e. Prior to movement offsite, transfer trucks shall be water washed, if necessary to remove loose ash. Exposed ash on any ash transfer truck shall be either wetted or fully covered with a tarp to prevent dust generation during transport. *(added October 4, 1995)*
8. Within six (6) months of operating with combined fuels, the Permittee shall retest emissions of toxic pollutants while burning the combined fuels. If emissions exceed acceptable levels, the Permittee shall adjust its operations to comply with acceptable health risk thresholds as defined in rules adopted by the South Coast Air Quality Management District (SCAQMD) prior to August 1, 1995. The Permittee shall submit a quarterly composition analysis of its

petroleum coke supply to the Cabazon Band, EPA and SCAQMD. The Permittee shall retest emissions each time EPA in consultation with SCAQMD determines that its fuel composition may cause health risks to exceed the acceptable thresholds. All retest results shall also be submitted to the Cabazon Band, EPA and SCAQMD. *(added October 4, 1995)*

9. The Permittee shall utilize quarterly a minimum of fifty percent (50%) biomass materials (by weight) as feedstock in its solids fuel supply for the Facility. To determine compliance with the minimum annual feedstock requirement, the Permittee shall submit to the Cabazon Band and Riverside County accurate records on a calendar quarter basis. In any event, the Permittee shall utilize fuel mix rates which allow the plant to continually meet all EPA and SCAQMD emission standards applicable to the Permittee pursuant to the Monitoring and Enforcement Agreement. *(added October 4, 1995)*
10. The Permittee shall utilize in any two consecutive calendar-year periods a minimum annual average of 60,000 bone-dry tons of a combination of agricultural crop residue waste and woody waste generated from sources in Riverside County located within the Coachella Valley. To determine compliance with the minimum annual average tonnage requirement, the Permittee shall submit to Riverside County and the Cabazon Band accurate records on a calendar quarter basis. *(added October 4, 1995)*

In the event the Permittee documents and Riverside County verifies that the biomass fuel supply in the Coachella Valley is unavailable, does not meet the Permittee's quality requirements, or is priced non-competitively with respect to other available biomass sources, the Permittee may satisfy the bone-dry tonnage requirement by utilizing biomass tonnage documented by it to have been generated within other areas of Riverside County. *(added October 4, 1995)*

11. The Permittee shall not utilize on an hourly basis more than twenty percent (20%) each railroad ties, TDF, and corrugated paper waste calculated on an energy basis. In addition, the Permittee shall not utilize on an annual basis more than 15% each railroad ties, TDF, and corrugated paper waste calculated on an energy basis. *(added Aug. 14, 2003)*

E. Emission Limits for SO₂

On and after the date of startup, the Permittee shall not discharge or cause the discharge into the atmosphere SO₂ in excess of the more stringent of 12.0 lbs/hr per boiler or 27 ppm, dry, corrected to 3% O₂ (3-hour average). In addition, the Permittee shall not discharge or cause the discharge into the atmosphere SO₂ in excess of a rolling average of 70 tons/year calculated daily. *(added October 4, 1995) (revised May 6, 1998)*

EPA may set a new lower allowable emission rate for the above emission limits after reviewing the performance test results or the initial SO₂ monitoring data required under Special Conditions C and J.

Upon completion of the performance test required under Special Condition IX.C., the Permittee may request that the above emissions limitations be reduced to more closely reflect actual boiler performance. In such event, the new lower limitations shall form the basis of the emission offset requirements contained in Special Condition IX.L.6.

If the SO₂ emission limit is revised, the difference between the SO₂ emission limit set forth above and a revised lower SO₂ emission limit shall not be allowed as an emission offset for future construction or modification.

F. Emission Limits for PM₁₀

On the date of Startup, and thereafter, the Permittee shall not discharge or cause the discharge of PM₁₀ in excess of the more stringent of 0.006 gr/dscf at 12% CO₂ or 3.9 lbs/hr per boiler (3-hour average). *(revised Aug. 14, 2003) (revised ~~May~~September 30, 2020)*

On the date of startup, and thereafter, the Permittee shall not discharge or cause the discharge into the atmosphere from the boiler exhaust stack gases which exhibit an opacity of 10 percent or greater for any period or periods aggregating more than three minutes in any one hour.

(paragraph regarding initial performance testing deleted Aug. 14, 2003)

G. Emission Limits for CO

On the date of startup and thereafter, the Permittee shall not discharge or cause the discharge of CO in excess of the more stringent of 13.0 lbs/hr per boiler or 231 ppm, dry, corrected to 3% O₂ (3-hour average). *(revised May 6, 1998) (revised Aug. 20, 2003)*

(paragraph regarding initial performance testing deleted Aug. 14, 2003)

H. Emission Limits for NO_x

On the date of startup, and thereafter, the Permittee shall not discharge or cause the discharge into the atmosphere NO_x in excess of the more stringent of 30.0 lbs/hr per boiler or 94 ppm, dry, corrected to 3% O₂ (3-hour average). In addition, the Permittee shall not discharge or cause the discharge of NO_x in excess of 648 lbs/day per boiler for any calendar day. *(revised October 1, 1997) (revised May 6, 1998) (revised ~~May~~September — 30, 2020)*

Subsequent to initial full-scale operation, the Permittee shall conduct an optimization study of the ammonia injection system. The study shall consist of varying the ammonia injection rate to determine the optimal NO_x removal efficiency over an acceptable ammonia slip range of values. Upon completion of the study the EPA may set a new NO_x emission rate and/or a new ammonia injection rate.

Upon completion of the performance test required under Special Condition IX.C., the Permittee may request that the above emissions limitations be reduced to more closely reflect actual boiler performance. In such event, the new lower limitations shall form the basis of the emission offset requirements contained in Special Condition IX.L.6.

I. Emission Limit for Hydrocarbons

On the date of startup and thereafter, the Permittee shall not discharge or cause the discharge of hydrocarbons in excess of 5.9 lbs/hr per boiler (3-hour average).

(paragraph regarding initial performance testing deleted Aug. 14, 2003)

J. Continuous Emission Monitoring

1. Prior to the date of startup and thereafter, the Permittee shall install, maintain and operate the following continuous monitoring systems in the boiler exhaust stack:
 - a. Continuous monitoring systems to measure stack gas SO₂, CO and NO_x concentrations. The system shall meet EPA monitoring performance specifications (40 CFR 60.13 and 40 CFR 60, Appendix B, Performance Specifications 2, 3 and 4).
 - b. A continuous monitoring system to measure stack gas volumetric flow rates. The system shall meet EPA performance specifications (40 CFR Part 52, Appendix E).
 - c. A transmissometer system for continuous measurement of the stack gas opacity. The system shall meet EPA monitoring performance specifications (40 CFR Part 60.13 and 40 CFR Part 60, Appendix B, Performance Specification 1).
2. The Permittee shall maintain a file of all measurements, including continuous monitoring systems evaluations; all continuous monitoring systems or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; performance and all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports and records.

3. The Permittee shall notify EPA (Attn: AIR & TRI, ENF-2-1) of the date which demonstration of the continuous monitoring system performance commences (40 CFR 60.13(c)). This date shall be no later than 60 days after startup.
4. The Permittee shall submit a written report of all excess emissions to EPA (Attn: AIR & TRI, ENF-2-1) for every calendar quarter. The report shall include the following:
 - a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factors used, and the date and time of commencement and completion of each time period of excess emissions.
 - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the furnace/boiler system. The nature and cause of any malfunction (if known) and the corrective action taken or preventive measures adopted shall also be reported.
 - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks, and the nature of the system repairs or adjustments.
 - d. When no excess emissions have occurred or the continuous monitoring system has not been inoperative, repaired, or adjusted, such information shall be stated in the report.
 - e. Excess emissions shall be defined as any 3-hour period during which the average emissions of SO₂, NO_x, or CO, as measured by the CEM, exceeds the maximum 3-hour emission limits set forth in Conditions IX.E, IX.G, and IX.H above and any calendar day during which the average emissions of NO_x, as measured by the CEM, exceeds the maximum daily emission limit set forth in IX.H above. Excess emissions shall also be defined as any period or periods aggregating more than three minutes in any one hour during which the stack gas opacity as measured by the CEM exceeds the limit set forth in Condition IX.F. above. *(revised October 1, 1997)*
5. Excess emissions indicated by the CEM system shall be considered violations of the applicable emission limit for the purposes of this permit.
6. Not less than 90 days prior to the date of startup of the facility, the Permittee shall submit to the EPA (Attn: A-3-3Air Section, ENF-2-1) a quality assurance project plan for the certification and operation of the continuous emission monitors. Such a plan shall conform to the EPA document "Guidelines for Developing a Quality Assurance Project Plan" (QAMS 005/80). Continuous emission monitoring may not begin until the QA project plan has been approved by EPA Region 9.

K. New Source Performance Standards

The Source is subject to the Standards of Performance for New Stationary Sources (NSPS) 40 CFR 60, Subparts A, ~~Db~~, and ~~EDb~~, including all emissions limits and all notification, testing, monitoring, and reporting requirements. (revised September 30, 2020)

L. Emission Mitigation Conditions *(revised April 22, 1991)*

1. As used in this condition, "Monitoring and Enforcement Agreement" shall mean that certain agreement executed by Colmac Energy, Inc. on May 10, 1989, executed thereafter by the South Coast Air Quality Management District (SCAQMD), the Cabazon Band of Mission Indians, the County of Riverside, and the Coachella Valley Association of Governments, and consented to by the Department of Interior, Bureau of Indian Affairs and by the Environmental Protection Agency. A copy of the agreement shall be retained and made available for public review at the Region 9 office of EPA, San Francisco, California and at the SCAQMD office in Diamond Bar, California.
2. (a) Measures to mitigate emissions from the facility shall be provided by the payments required by paragraph 13 of the Monitoring and Enforcement Agreement. These payments shall be in lieu of all air emissions offsets for the permitted emissions for the project subject to the conditions set forth in subparagraph (b).

(b) In the event that the permitted emissions for the facility, as allowed by this permit or any amendment thereto, are greater than one-half the offset credit amounts listed in this subparagraph as Available Open Field Burning Offset Credits, which amounts have been accepted as previously available to the facility, then the facility must provide additional offsets for each day the plant operates to mitigate facility emissions to the extent that a daily permitted emission exceeds the daily Available Open Field Burning Offset Credit amount.

Available Open Field Burning Offset Credits

<u>Pollutants</u>	<u>lb/day</u>
NO _x	2,134
SO ₂	2,192
CO	48,312
HC	3,690
PM	2,790

In the event that the number of operating days exceeds 330 in any 365-day period, then the daily offset credits listed above shall be reduced by the ratio of 330 divided by the actual number of operating days in that period.

- (c) Offsets required pursuant to subparagraph (b) above may be provided by open field burning credits from within the Southeast Desert Air Basin as

defined on June 10, 1987 and in accordance with the ARB/CAPCOA recommended procedure, dated June 21, 1984 [A Procedure to Implement the Provisions of Health and Safety Code Section 41605 Relating to the Determination of Agricultural/Forestry Emission Offset Credits ("the ARB/CAPCOA recommended procedure")]. The emission offset credit shall be calculated using the ARB/CAPCOA recommended procedure. Alternatively, any offsets required pursuant to subparagraph (b) may be provided in accordance with the regulations of the SCAQMD or by any combination of Open Field Burning Offset Credits and other SCAQMD complying offsets.

3. Pursuant to paragraph 14 of the Monitoring and Enforcement Agreement, the Permittee agrees to use its best efforts to acquire agricultural waste through agreements negotiated with farmers or other suppliers in the Coachella Valley, and with the assistance of the county by directly encouraging farmers to provide such wastes, which wastes would otherwise have been burned in the open field in the Coachella Valley but could, consistent with sound agricultural practices, be obtained by the Permittee and burned in the Permittee's facility as fuel.
4. The Permittee shall require and maintain fuel receipts, bills of lading or transportation manifests, and scale records for acquisition and transportation of fuel acquired from within the Coachella Valley which would otherwise be burned in the open field. Record-keeping shall include daily records of weight, type, and geographic location of origin of fuel received for combustion at the Permittee's facility and the number of operating days in the previous 365-day period.
5. Each year, on the anniversary of the date of initial combustion of biomass fuel at the facility, the Permittee shall submit the records maintained in accordance with this condition to EPA and to the SCAQMD at the addresses listed in Condition X.
6. All of the above information shall be recorded by the Permittee in a permanent form suitable for inspection, and the file shall be retained for at least two years following the date of such measurements, calculation, and record.
7. After the end of the ten year period commencing with the initial start up of the Permittee's facility on biomass fuel ("the ten year period") the Permittee shall continue to fully offset emissions from the plant in accordance with the options provided for in paragraph 16 of the Monitoring and Enforcement Agreement. The following procedures shall apply:
 - (a) In the event that the Permittee elects to continue the payments as provided in paragraph 13 of the Monitoring and Enforcement Agreement, then the provisions of this condition IX.L shall remain in effect. Such election by

the Permittee shall be made prior to the end of the ten year period in writing delivered by certified mail to EPA, Region 9, Air and Toxics Division, with copies to the SCAQMD and the County of Riverside.

(b) Alternatively, in the event that the Permittee has not made the election provided for in subparagraph (a) above and EPA has not approved an amendment to the permit prior to the end of the ten year period, which amendment provides for an alternative means of offsetting plant emissions in conformance with paragraph 16 of the Monitoring and Enforcement Agreement, then paragraph IX.L of the permit as originally issued June 28, 1988 and attached hereto as Appendix I, shall be reinstated without further action by EPA.

(c) The SCAQMD and the County of Riverside shall be given notice by EPA of any proposed amendment to this permit.

M. Exemption from emission concentration limits (ppm), but not mass limits (lb/hr) during start-up and shut-down conditions: *(added May 6, 1998)*

The concentration limits (ppm) in Special Conditions IX.E, IX.G, and IX.H do not apply during conditions of start-up and shut-down of the plant boilers. Start-up is defined as the period of time during which the boiler is heated to operating temperature at a steady state load from a lower temperature, not to exceed 36 hours. If curing of refractory is required after repair or modifications, start-up time shall not exceed 60 hours. Operating temperature indicating steady state load shall be indicated by the temperature at the outlet of the recycle cyclone reaching 1550 degrees Fahrenheit for a period of at least 5 minutes. Shutdown is defined as the period of time, not to exceed 8 hours, during which the boiler is allowed to cool from its operating temperature at steady-state load to a lower temperature.

N. Temporary Alternate Fuel Testing Operations *(added September 15, 2000)*

The Permittee may conduct a temporary fuel testing program for the purpose of evaluating the combustion of alternate fuels in the fluidized bed boiler subject to the following conditions:

1. The alternate fuel testing program shall not operate longer than 120 days from the date of initial startup.
2. The Permittee shall comply with all emission limits specified in Special Conditions E, F, G, H and I.
3. The fuel use limits in Special Condition IX.D. shall not apply during the fuel testing program.

X. Agency Notifications

All correspondence as required by this approval to Construct/Modify shall be forwarded to:

A. U.S. Environmental Protection Agency, Region 9

Enforcement and Compliance Assurance Division
Attn: Air Section, ENF-2-1
75 Hawthorne Street

San Francisco, CA 94105

B. Chief, Industrial Strategies Division California Air Resources Board

P.O. Box 2815 Sacramento, CA 95814

C. Executive Officer, South Coast Air Quality Management District

21865 E. Copley Drive
Diamond Bar, CA 91765

- XI. Additional requirements for Hydrated Lime Delivery System Pursuant to 40 CFR 49.153(a)(2) – Minor NSR in Indian Country (*added May 22, 2015*) (*revised ~~May~~September 30, 2020*)

Emission Unit	Description
EU-11	Hydrated Lime Storage Silo (with fabric filter)
EU-13	Hydrated Lime Truck Traffic

A. Emissions Limitations and Work Practice Standards

1. Vehicle miles traveled (VMT) for truck traffic associated with deliveries of hydrated lime – EU-13 – to the permitted source shall not exceed 280 miles per 12-month period.
2. Annual delivery and usage of hydrated lime shall not exceed 2365 tons per 12-month period.

B. Monitoring and Testing Requirements

1. The Permittee shall monitor on a monthly basis each delivery of hydrated lime (in tons) and the VMT for each delivery.
2. At least once per calendar month, the permittee shall inspect the interior and exterior of the fabric filters of EU-11 for evidence of damage or leaks, and

take appropriate corrective actions to restore filters to proper operation before resuming normal operations.

C. Recordkeeping and Reporting Requirements

1. The Permittee shall maintain records on a monthly basis of each delivery related to hydrated lime, including the tons of hydrated lime delivered and VMT for each delivery, and determine the 12-month rolling total for each.
2. The permittee shall maintain records of the dates and results of each filter inspection performed pursuant to condition XI.B.2 and any corrective actions taken as a result of the required inspections shall be recorded.

PSD Permit Amendments

1. April 22, 1991: Emission offset requirements were revised and a “Monitoring and Enforcement Agreement” was added by reference.
2. May 20, 1994: The permit was revised to allow for the construction and operation of an emergency generator.
3. October 4, 1995: The permit was revised to allow for the use of petroleum coke as well as the addition of conditions that instructs the permittee to comply with the SCAQMD fugitive dust provisions.
4. October 1, 1997: Revisions were made to permit NO_x emissions on a daily basis at 648 lbs/day per boiler, as well as retaining the 3-hour limit of 30 lbs/hr per boiler.
5. May 6, 1998: The permit was revised to replace the 12% CO₂ correction with a 3% O₂ correction for the pollutants SO₂, CO, and NO_x.
6. September 15, 2000: The permit was revised on September 15, 2000 to allow for a Temporary Alternate Fuel Testing Operation.
7. August 14, 2003: Revisions were made to allow the combustion of three additional fuels, lowered the limits for CO, hydrocarbons and PM (also changed from an old TSP limit to a PM₁₀ limit), and imposed a 10% stack gas opacity.
8. May 22, 2015: An administrative amendment pursuant to 40 CFR 49.159(f) was done to add a dry sorbent injection system for the control of hydrochloric acid. This amendment added condition XI to the PSD permit.
9. ~~July 6, September 30~~, 2020: The PSD permit was administratively revised to consolidate all previous amendments to the permit, such that all PSD and Tribal Minor NSR conditions are in a single permit document. Other administrative changes include revising conditions for accuracy and clarity.

APPENDIX I

PARAGRAPH IX.L OF ORIGINAL PERMIT

JUNE 28, 1988

Appendix I

L. Emission Offset Conditions

1. Colmac Energy, Inc. shall provide offsets for all emissions from the facility.
2. Proper evaluation, calculation, and recordkeeping of the emission credits is the responsibility of Colmac.
3. Colmac shall submit to the BIA and EPA (Attn: A-3-3), upon request, written agreements between Colmac and the supplier of the agricultural/forest wastes, which specify type and quantity of wastes supplied.
4. Colmac shall require and maintain fuel receipts, scale records, and bills of lading for transportation of all forest/agricultural wastes for which offset credit is claimed.
5. The BIA and EPA may inspect fuel receipts and other information necessary to verify that fuel burned at the facility is of adequate quantity and quality to ensure that any credits issued under this condition are in fact being achieved.
6. Onsite emissions from the Colmac plant including maximum permitted facility stack emissions as specified in Conditions IX.E, IX.F, IX.G, IX.H, and IX.I shall be offset in accordance with the ARB/CAPCOA procedure for calculating offsets. The emission offset credit shall be calculated using the ARB/CAPCOA recommended procedure, dated June 21, 1984 ("A Procedure to Implement the Provisions of Health and Safety Code Section 41605.5 Relating to the Determination of Agricultural/Forestry Emission Offset Credits").
7. The emission factors to be used in quantifying the credits granted pursuant to this condition are:

LBS OF POLLUTANT/TON OF FUEL BURNED

Pollutant	Field Crop			
	Orchard	Straws	Vine Crops	Residue
NO _x	4	4.3	4	4
VOC	8	13.0	5	19
PM	6	22.0	5	17
CO	52	130.0	51	140
SO ₂	0.6	2.8	0.6	0.1

8. The applicant shall maintain records of fuel acquired and the mass of fuel burned on a daily basis, including records of fuel blend ratios. In addition, daily records are required of mass, type, and geographic origin of the biomass received, accompanied by certification by the fuel supplier and the owner or operator that any offset-creditable biomass historically has been burned openly in the air basin.
9. Emission credits (offsets) shall be provided for the project's emissions in accordance with the ARB/CAPCOA protocol.
10. Any time during which the project's permitted combustion emissions exceed the emissions offset credits as specified in the permit because of a change in the quality or quantity of the wastes supplied, the project owner or operator shall notify the BIA and EPA (Attn: A-3-3) and curtail operations proportionately. Failure to comply with this provision shall be grounds for enforcement actions and revocation of the lease by BIA.
11. All of the above information shall be recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, calculation and record.
12. Each calendar quarter Colmac Energy, Inc. shall submit all of the above information for the last calendar quarter to EPA (Attn: A-3-3).

M. Offsets During Startup

Colmac shall provide offsets, as required by Condition IX.L.6, during plant startup for any day during startup (startup is the period after initial firing of the boiler or boilers until the plant has operated at 100-percent power for a period of at least 72 hours, and the performance (source) tests for emission measurement have been completed) in which boiler operation takes place. Offsets shall be provided based on the permitted emission rates specified in subsections IX.E, F, G, H, and I above, and the BTU's in the fuel combusted that day.

APPENDIX D – EPA Response to Comments

Title V Operating Permit Number: CB-ROP 05-01
Prevention of Significant Deterioration Permit Number: NSR 4-4-11; SE 87-01
Desert View Power, LLC
Mecca, California

EPA Responses to Public Comments

September 30, 2020

Comments on Draft Title V Operating Permit from Desert View Power, LLC (DVP) Submitted August 5, 2020

1. Part 71 Permit Condition II.A.6: please update 1.1E-01 lb/MMBtu unit to 0.11 lb/MMBtu for easier reference.

EPA Response: We agree with this comment; 1.1E-01 lb/MMBtu unit has been re-written as 0.11 lb/MMBtu. The proposed permit condition was based on the underlying applicable requirement that listed the emissions limit in scientific notation. This revision does not change the applicable emissions limitation.

2. Part 71 Permit Condition II.A.6.a: please update 1.4E-01 lb/MMBtu to 0.14 lb/MMBtu for easier reference.

EPA Response: We agree with this comment; 1.4E-01 lb/MMBtu has been re-written as 0.14 lb/MMBtu. The proposed permit condition was based on the underlying applicable requirement that listed the emissions limit in scientific notation. This revision does not change the applicable emissions limitation.

3. Part 71 Permit Condition II.B.1.g: “no open storage of petroleum coke shall be allowed”. DVP is requesting the description here be updated to be consistent with the language already used in Table I.B (Partial enclosed building). No modification is being made to the referenced storage, but the description is not accurate.

EPA Response: Condition II.B.1.g derives from the PSD permit and is based on an evaluation of Best Available Control Technology (BACT) at the time of the original permit issuance or modification. EPA is only making administrative revisions to the PSD permit at this time. We believe the suggested change would require a more substantive review of the underlying condition, and accordingly could not be made within the context of an administrative revision to the PSD permit. DVP can either submit a PSD permit revision request or modify their petroleum coke storage facility to align with the permit requirement.

4. Part 71 Permit Condition II.B.5.f.: Emergency Engine. Please include the specific requirements (i.e., 100 hr/yr) from the federal standard in the Title V document.

EPA Response: EPA agrees with this comment. Specific requirements pursuant to 40 CFR part 63, subpart ZZZZ for the both the emergency engine (EU-09) and the fire pump (EU-10) have been added to Condition II.B.5. EPA notes that 40 CFR 63.6640(f)(1), which states “there is no time limit on the use of emergency stationary RICE in emergency situations,” is inapplicable to the Permittee because PSD Condition IX.D.6 limits emergency engine use to 200 hours per year. Therefore, in line with the Permittee’s request, we are also modifying to Condition II.H.1 to state that non-applicable requirements include the provisions at 40 CFR 63.6640(f)(1).

5. Part 71 Permit Condition II.C.2.d: Please strike the second sentence (“Use a measurement span value of 2 times the concentration of the applicable emission limit.”) DVP will comply with the EPA methods listed in this condition.

EPA Response: We agree with this comment and have made the requested revision at Condition II.C.2.d. EPA notes that the criteria for measurements and testing are contained in EPA Test Methods 1-4 and 10.

6. Part 71 Permit Condition II.C.24: This condition currently reads as “Such system shall be calibrated to alarm when the opacity reaches an opacity of 7.5%, which shall indicate a bag leak and the need for the following corrective action:” DVP requests that this be clarified to state that the alarm point is based on an hourly average of 7.5%. It should also be noted that bag leaks are not the only potential cause for a high opacity reading. Therefore, DVP is suggesting the following replacement sentence: “Such system shall be calibrated to alarm when the hourly average opacity reaches 7.5% which will trigger the need for the following corrective actions:”
7. Part 71 Permit Condition II.C.24.b (page 22): This condition currently reads as “b. If the issue causing the alarm cannot be corrected within 1 hour, shutdown of the boiler(s) and fabric filter system” The language for the required response as written could impose an artificial limit that is more restrictive than the permitted 10% opacity limit. DVP requests that this sentence be replaced with:

“b. If the issue causing the alarm cannot be corrected and Permittee cannot maintain compliance with the 10% opacity limit, then Permittee shall curtail operations to maintain compliance with applicable limits in this permit.”

Additionally, the Statement of Basis would need to be updated to reflect the final language in the Title V.

8. Part 71 Permit Conditions II.C.24 and II.C.24.b: Additional Note: In the instance of a possible bag leak, Desert View Power has the capability to use baghouse process monitoring to help identify potential bag leaks. This is a helpful troubleshooting tool that allows Desert View to identify areas

for corrective action while operating and not shut down, all while complying with the opacity limit. Troubleshooting is typically conducted online.

EPA Response to Comments 6, 7 and 8: We agree with these comments in part and we disagree in part. We agree that the alarm point for an excursion of the PM₁₀ and opacity limits should be based on an hourly average, consistent with the averaging period for Condition II.A.7 of the part 71 permit. We also agree that not all excursions are caused by bag leaks and are removing that statement from the permit. While we disagree with DVP's suggested language for revising Condition II.C.24.b, upon review of this comment, we are making additional revisions to Condition II.C.24 to add clarifications and address the concern of being required to shut down a boiler when the opacity may still be less than 10%.

Consistent with 40 CFR 64.6(c)(2), we are clarifying that an hourly average opacity of 7.5% is defined as an excursion for the PM₁₀ and opacity limits. The Statement of Basis discusses the basis for the 7.5% value. An excursion triggers corrective action per 40 CFR 64.7(d) and is intended to provide the permittee time to investigate and correct any potential issues that could lead to an exceedance and potential violation of the PM₁₀ and/or opacity limit. We agree that actions other than shutting down the system can be taken, but at no time can conditions allow exceedances of permitted limits. Additionally, for DVP, we expect compliance with the opacity limit to correlate with compliance with the PM₁₀ limit. Therefore, we are revising Condition II.C.24 of the part 71 permit to require a shutdown of the boilers if the opacity exceeds the 10% limit in Condition II.A.7 of the part 71 permit. EPA modified Condition II.C.24 of the part 71 permit to read:

II.C.24: To comply with the requirements of 40 CFR 64.7 and maintain continuous compliance with the PM₁₀ emission limit in II.A.4 and the opacity limit in II.A.7, the Permittee shall maintain and operate a continuous opacity monitoring system that continuously measures the stack gas opacity in Boilers 1 and 2. An excursion of the PM₁₀ emission limit shall be defined as an opacity reading that exceeds the average hourly opacity reading of 7.5%. An excursion of the PM₁₀ and/or opacity limit shall be defined as an hourly average that exceeds 7.5%. The monitoring system shall be calibrated to alarm when an excursion occurs which will trigger the need for the following corrective action steps:

- a. Immediate investigation into the cause of the alarm.
- b. If at any time during the corrective action steps in Condition II.C.24, the stack gas opacity exceeds the 10% limit in Condition II.A.7, the Permittee shall immediately shut down the boiler(s) and associated fabric filter(s) and report any permit deviation pursuant to Condition III.C.
- c. Maintenance or replacement of the fabric filter component(s).
- d. Return of units to normal operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

- e. Reporting and recordkeeping pursuant to section II.D and II.E of this permit and appropriate facility wide reporting in accordance with section III.C.1 of this permit.

Appropriate revisions consistent with this response were incorporated in the final Statement of Basis (SOB) (Sections 8.7 and 9.2). Also, see response to comment 16.

- 9. Part 71 Permit Condition II.D.9: Desert View requests the last sentence and items a-q of this section be stricken, as shown in the following edits:

“The Permittee shall maintain a log of continuous opacity monitoring data and submit the most recent six months of data to EPA in the semi-annual monitoring reports required by condition III.C.1. ~~At a minimum, the log shall contain the following records:~~

- ~~a. Daily report trends: hourly, daily and average baghouse inlet and outlet temperature b. Hourly average pico amps (pA) reported as gr/dscf~~
- ~~c. Alarm level~~
- ~~d. Total number of bag leak alarms per month e. Date, time, and duration of each alarm~~
- ~~f. Description of each alarm~~
- ~~g. Corrective action taken (if any) in response to each bag leak alarm h. Corrective action cause and response time detail~~
- ~~i. Total process running time period.~~
- ~~j. Percentage of time in alarm for period. k. Monthly high pA, reported as gr/dscf l. Monthly low pA, reported as gr/dscf~~
- ~~m. Monthly Average pA, reported as gr/dscf n. Monthly high opacity reading~~
- ~~o. Monthly low opacity reading~~
- ~~p. Monthly average opacity reading~~
- ~~q. The dates of each bag leak inspection “~~

The items crossed out do not pertain to DVP. These items are intended for Bag Leak Detection Systems (BLDS), not Continuous Opacity Monitor System (COMS). Since DVP uses COMS for compliance assurance, not a Bag Leak Detection System. DVP will submit the data as requested in the 1st sentence (“The Permittee shall maintain a log of continuous opacity monitoring data and submit the most recent six months of data to EPA in the semi-annual monitoring reports required by condition III.C.1).

EPA Response: We agree with this comment and have made the requested revision at Condition II.D.9. EPA notes that the previous items were inadvertently lifted from an earlier draft version of the permit that assumed DVP’s CAM approach which was based on bag leak detection.

Comments on Draft Prevention of Significant Deterioration (PSD) Permit from DVP Submitted August 5, 2020

10. PSD Permit Condition IX.B.8: “The Permittee shall install an enclosed petroleum coke storage facility; no open storage of petroleum coke shall be allowed.” DVP is requesting the description here be updated to be consistent with the language already used in Table I.B (Partial enclosed building) of the Title V permit. No modification is being made to the referenced storage, but the description is not accurate.

EPA Response: We disagree with this comment. See response to comment 3 above.

11. PSD Permit Condition IX.K: “The Source is subject to the Standards of Performance for New Stationary Sources (NSPS) 40 CFR 60, Subparts A, Db, and E, including all emissions limits and all notification, testing, monitoring, and reporting requirements” Subpart E does not apply. This was noted in SOB, but not changed in permit.

EPA Response: We agree with this comment and have made the requested revision at Condition IX.K. The PSD permit originally included a condition that required compliance with Subpart E “Standards of Performance for Incinerators”. We believe this was due to the inadvertent error that equated boilers to incinerators because they were allowed to burn certain waste streams as fuel. An incinerator is defined in Subpart E as “...*any furnace used in the process of burning solid waste for the purpose of reducing the volume of the waste by removing combustible matter.*” While the permit authorizes the use of certain waste streams, its use in a boiler is as a fuel stream not to reduce the volume.

Comments on EPA Region 9 Statement of Basis for Draft Part 71 and PSD Permit from DVP Submitted August 5, 2020

12. Figure 2-1. Marker should be at the red arrow. The current marker is not on our property. [The submitted comment includes a map showing the indicated location.]

EPA Response: We agree there was an error in Figure 2-1 and have made the requested revision in the final SOB.

13. “Institutional” should be changed to Industrial. “two separate limestone silos” should be changed to 1 limestone silo.

EPA Response: We agree with this comment and have made the requested revisions to Section 4 of the final SOB. The use of “institutional” was a typographical error and, consistent with the part 71 permit renewal application, there is only 1 limestone silo.

14. Section 8. 40 CFR 63 Subpart A, General Provisions, should be added as a federal applicable requirement.

EPA Response: 40 CFR 63 Subpart A, General Provisions, is already listed as an applicable federal requirement (see Section 8.2 of the draft and final SOB).

15. Section 8.7, 4th Paragraph. "The COMS systems sets off an alarm at a specified opacity level. and is capable of detecting bag leaks and transmitting hi/low cleaning alarm signals". A COMS will detect high opacity levels that can be caused by a number of reasons but does not specifically detect a bag leak or transmit cleaning alarm signals. DVP requests the following replacement sentence: The COMS shall be calibrated to alarm when the hourly average opacity reaches the specified opacity level which will trigger the need for corrective action.
16. Section 8.7, 4th Paragraph. Requested edit to the sentence: "at which point the Permittee will be required to immediately shut down the boiler(s)". DVP should not have to shut down boiler at the "corrective action" level since it has the capability to correct the issue while the boiler and baghouse are operating and continue to operate below the emissions limit. DVP requests that this sentence be replaced with "at which point if the issue causing the alarm cannot be corrected and Permittee cannot maintain compliance with opacity limit, Permittee shall curtail operations to maintain compliance with applicable limits in this permit."

EPA Response to Comments 15 and 16: See responses to Comments 6, 7 and 8 above. We agree with these comments, in part; however, we disagree with DVP's suggested language. EPA has modified the 4th paragraph in Section 8.7 of the final SOB as follows:

The Permittee has installed a transmissometer, which is a continuous opacity monitoring system (COMS) that continuously measures the opacity from the boiler stacks to demonstrate compliance with a PM₁₀ emissions limit of 0.006 gr/dscf and an opacity limit of 10%. The Permittee conducted a correlation study on May 1, 2019 which consisted of source test measurements for PM₁₀ concurrent with opacity measurements from the COMS. The test results indicated an average PM₁₀ emission rate of 0.00049 gr/dscf (against a limit of 0.006 gr/dscf) correlated to an average opacity level of 2.75%. The COMS systems sets off an alarm at a specified opacity level. Part 64 requires monitoring that identifies one or more representative control device operational parameters and specifies an indicator range that will provide a reasonable assurance of compliance with the emission limit. The indicator range may consist of multiple values, or a minimum or maximum value. Accordingly, EPA is ~~setting a maximum corrective action defining an excursion of the PM₁₀ and/or opacity limit of 7.5%, based on as an hourly average, that exceeds 7.5%.~~ The monitoring system shall be calibrated to alarm when an excursion occurs which will trigger the need for corrective action steps ~~including which include~~ immediate investigation, appropriate maintenance, replacing fabric filter components, performing required reporting and recordkeeping actions, and returning the unit(s) to normal operation as expeditiously as ~~practicable possible~~ in accordance with good air pollution control practices for minimizing emissions. If at any time during the corrective action steps the stack gas opacity exceeds the 10% opacity limit the Permittee shall immediately shut down the boiler and fabric filter and report any permit deviation. Please see specific changes to Condition II.C.24 in Section 9.2 below.

17. Table 9-2 Monitoring in the Title V Permit

1.	opacity: 7.5% (CAM corrective action limit)	COMS
	opacity: 10% (3-min avg)	COMS
	opacity: 20% (6-min avg)	COMS
	CO: 45.0 lb/hr, 231 ppm, 320 ppm	CEMS, annual source test
	NO _x : 30.0 lb/hr, 94 ppm, 648 lb/day	CEMS, annual source test
	NO _x : NSPS limits of 43 ng/J (wood), 260 ng/J (coke), 130 ng/J (wood and gas), formula for coke + other	CEMS
	HC: 5.9 lb/hr	annual source test
2.	emergency generator: 200 hour/yr operation	recordkeeping
	HCl: .022 lb per MMBtu	HCl CEMS, SO ₂ CEMS or Dry Sorbent Injection Rate
3.	Mercury: 5.7E-06 lb per MMBtu	Mercury CEMS or Carbon Injection Rate
4.	HCl: .022 lb per MMBtu	recordkeeping
5.	PicoAmps maximum value	COMS

1. MACT requires a daily block average (10% opacity). Please add another line for opacity for the MACT requirement.
2. This is a SCAQMD Limit. RICE MACT limit is 100/yr non-emergency use. Please make one row for Emergency Generator and list as 100 hour/year non-emergency operation and add another row for the Emergency Fire Pump and list as 100 hour/year non-emergency operation.
3. Please add stack test (operating load) to Mercury CEMS or Carbon Injection rate. DVP does not have a Mercury CEMS or Carbon Injection.
4. Remove this. It is a duplicate of the HCl row above.
5. Remove. Picoamps are associated with a bag leak detection system, not COMS, and we do not have a bag leak detection system (BLDS).

EPA Response: We agree with these comments and have made the requested revisions to Table 9.2 of the final SOB as indicated below. These revisions are necessary to correct inadvertent errors and ensure the table summarizing the monitoring requirement is consistent with the part 71 permit conditions. Additionally, we note that DVP's request to add the MACT opacity requirement to this

table also requires an accompanying revision to the opacity limits in the part 71 permit, as noted below.

Requirement	Monitoring in Underlying Requirement
SO ₂ : 12.0 lb/hr, 27 ppm	CEMS, annual source test
90% SO ₂ reduction, 520 ng/J (1.2 lb/MMBtu)	CEMS, annual source test
PM-10: 0.006 gr/dscf at 12% CO ₂ or 3.9 lbs/hr per boiler (3-hr average)	annual source test
PM: 43 ng/J (0.10 lb/MMBtu)	annual source test
opacity: 7.5% (CAM corrective action limit)	COMS
opacity: 10% (3-min avg)	COMS
opacity: 10% or highest hourly average (daily block) measured during performance testing	COMS
opacity: 20% (6-min avg)	COMS
CO: 45.0 lb/hr, 231 ppm, 320 ppm	CEMS, annual source test
NO _x : 30.0 lb/hr, 94 ppm, 648 lb/day	CEMS, annual source test
NO _x : NSPS limits of 43 ng/J (wood), 260 ng/J (coke), 130 ng/J (wood and gas), formula for coke + other	CEMS
HC: 5.9 lb/hr	annual source test
Emergency generator (EU-09): 200 hour/yr operation (Condition II.B.5.a)	recordkeeping
Emergency generator (EU-09): 100 hour/yr operation (Condition II.B.5.b)	recordkeeping
Fire Pump (EU-10): 200 hour/yr operation (Condition II.B.5.a)	recordkeeping
Fire Pump (EU-10): 100 hour/yr operation (Condition II.B.5.b)	recordkeeping
HCl: .022 lb per MMBtu	HCl CEMS, SO ₂ CEMS or Dry Sorbent Injection Rate
Mercury: 5.7E-06 lb per MMBtu	Mercury CEMS, Carbon Injection Rate, or Mercury stack testing and unit specific limit for maximum operating load

In response to this comment, we also added Condition II.A.8 to the permit:

Condition II.A.8:

For each boiler, the Permittee shall maintain opacity to less than or equal to 10 percent opacity or the highest hourly average (daily block average) opacity reading measured during the performance test run demonstrating compliance with Condition II.A.6. [40 CFR 63.7500; (40 CFR Part 63, Subpart DDDDD, Table 4, Item 3)]